

AGENDA
GAUTIER PLANNING COMMISSION
SEPTEMBER 5, 2024
5:30 P.M.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES (JULY 11, 2024, & AUGUST 1, 2024)**
- V. PUBLIC COMMENTS
(MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA)**
- VI. OLD BUSINESS**
- VII. NEW BUSINESS**
 - 1. Consider a request for a Conditional Use-Major that would allow Self Service Mini-Warehouses in a C-3 Highway Commercial Zoning District. Highway 90, PID #81831440.000 (GPC #24-32-CU)
 - 2. Consider a request for a Special Exception that would allow the sale of sheds in the TC – Town Center Zoning District. 2101 Old Spanish Trail, (GPC #24-33-SE)
 - 3. Consider a request for a Special Exception that would allow a duplex in an R-3 Mobile/Manufactured Home Residential Zoning District. 7717 Dahlia Drive, (GPC #24-34-SE)
 - 4. Consider a request for a six-foot (6') variance to side yard setback requirements for an accessory building and a one-foot (1') variance to fence height in a front yard in a R-1 Low Density Single-Family Residential Zoning District. 1715 Piney Lane, (GPC #24-35-VAR)
- VIII. GENERAL DISCUSSION**
 - A. PREVIOUS CASE UPDATES
 - B. PERMIT & TRC REPORTS
- IX. ADJOURN**

JULY 11, 2024
GAUTIER, MISSISSIPPI

BE IT REMEMBERED that a meeting of the Gautier Planning Commission of The City of Gautier, Mississippi, was held on July 11, 2024, at 5:30 PM in the Council Chambers of the Gautier Municipal Building at 3330 Highway 90, Gautier, Mississippi.

Commission Members present were: Chairman Kay C. Jamison, Commissioners Josh Ward (by phone), DeAnna McManus, Maurice Hudson, William Davis, and Chris Hoover. Also present were Scott Ankerson, Planning Director, and Babs Logan, Planning Technician. Absent was Rick Decoteau.

AGENDA
GAUTIER PLANNING COMMISSION

JULY 11, 2024

5:30 P.M.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES (JUNE 6, 2024)**
- V. PUBLIC COMMENTS**
(MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA)
- VI. OLD BUSINESS**
- VII. NEW BUSINESS**
 - 1. Consider a request for a four hundred seventy-seven (477) square foot variance for a dwelling in an AG Agricultural Zoning District. 5900 Brown Road, (GPC #24-17-VAR) **Tabled from June 6 meeting.*
 - 2. Consider a request for a Special Exception that would allow a mobile home in a R-1 Low Density Single-Family Residential Zoning District. 2132 Dailey Road, (GPC #24-20-SE)

3. Consider a request for a Conditional Use-Major that would allow a Recreational Vehicle (RV) in a Mobile Home Park in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District. 3101 Oak Street (GPC #24-21-CU)
4. Consider a request for a two-foot (2') variance to fence height requirements in a R-1 Low Density Single-Family Residential Zoning District. 1801 Seacliffe Drive, PID #82513460.060, (GPC #24-22-VAR)
5. Consider a request for a Conditional Use-Major that would allow a Recreational Vehicle (RV) on an individual lot in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District. 3224 & 3228 Willis Drive (GPC #24-23-CU)
6. Consider a request for a Special Exception that would allow an accessory building on a lot without a primary structure in a R-1 Low Density Single-Family Residential Zoning District. 913 Roys Road, (GPC #24-24-SE)
7. Consider a request for a seventeen (17) square foot variance to sign square footage requirements previously approved as a Special Exception located in a R-1 Low Density Single-Family Residential Zoning District. 3001 Ladnier Road, (GPC #24-25-VAR)

VIII. GENERAL DISCUSSION

- A. PREVIOUS CASE UPDATES
- B. PERMIT & TRC REPORTS

IX. ADJOURN

Chairman Jamison made a motion to hear Item #7 on the Agenda first.

Commissioner Hudson seconded the motion, and the following vote was recorded:

AYES:

Kay C. Jamison
Josh Ward
DeAnna McManus
Maurice Hudson
Chris Hoover
William Davis

ABSENT:

Ricky Decoteau

Motion Passed

Commissioner McManus made a motion to approve the June 6, 2024, minutes.

Commissioner Hudson seconded the motion, and the following vote was recorded:

AYES: **Kay C. Jamison**
 Josh Ward
 DeAnna McManus
 Maurice Hudson
 William Davis

ABSTAINED: **Chris Hoover**

ABSENT: **Ricky Decoteau**

Motion Passed.

PUBLIC COMMENTS (MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA) – None

OLD BUSINESS - None

NEW BUSINESS

1. Consider a request for a four hundred seventy-seven (477) square foot variance for a dwelling in an AG Agricultural Zoning District. 5900 Brown Road, (GPC #24-17-VAR) **Tabled from June 6 meeting.*

Scott Ankerson, Planning Director, gave a brief overview of the case and reminded Commissioners that this request was tabled at the June 6, 2024, meeting so the other applicant could better explain what they were wanting to do.

REQUEST:

The Planning Department has received a request from Crystal Viera and Steven Brown for a four hundred seventy-seven (477) square foot variance for a dwelling in an AG Agricultural Zoning District at 5900 Brown Road, PID #82429350.000 (GPC #24-17-

VAR). The application fee of \$175 was paid on April 15, 2024. All public notice requirements have been met.

BACKGROUND:

There currently is a house and a separate garage apartment on the property. The house was heavily damaged during Hurricane Katrina and is in the process of being demolished. The garage apartment was not damaged. The applicants would like to live in the garage apartment until they can build a new home. The apartment is 848 square feet. The garage area is 875 square feet and can also be converted into living space. In order to occupy the existing apartment, the applicants will need a 477 square foot variance. The Unified Development Ordinance (UDO) requires a minimum of 1325 square feet of living area in an AG Agricultural District.

DISCUSSION:

The applicants are asking for a 477 square foot variance to the minimum square footage for a dwelling in an AG Agricultural District. Although the house on the property was heavily damaged in Hurricane Katrina and is in the process of being demolished, the garage apartment on the property was not damaged. The applicants would like to live in the garage apartment until they can build a new home. The garage apartment has 848 square feet of living area. The Unified Development Ordinance (UDO) requires a minimum of 1325 square feet of living area in an AG Agricultural District. The applicants are requesting a 477 square foot variance.

DETERMINATION OF APPLICABLE LAW:

The Unified Development Ordinance (UDO) defines **Variances** as:

A Variance is a relaxation of the terms of the Unified Development Ordinance where such Variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, a literal enforcement of the Ordinance would result in an unnecessary or undue hardship. As used in this Ordinance, a Variance is authorized only for height, area and size of structure, or size of yards, separation of uses, open spaces, off-street parking spaces and some subdivision of property. The establishment or expansion of a use not permitted shall not be allowed by Variance.

The UDO defines **Hardship** as:

Hardship means the unnecessary hardship that would result from a failure to grant the requested variance or special exception. An unnecessary hardship exists if:

- (1) the land in question cannot yield a reasonable return if used only
 - (a) for a purpose allowed in that zone (applicable to special exceptions), or
 - (b) as permitted by the dimensional requirements of this ordinance (applicable to variances);
- (2) that the plight of the owner is due to unique circumstances of the land for which the variance or special exception is sought; and
- (3) that the use to be authorized by the variance will not alter the essential character of the locality.

UDO SECTION 4.18: Variance

In certain circumstances, a Variance from the dimensional requirements (i.e. height, setbacks, square footage) of this ordinance may be granted if the applicant can prove that because of physical constraints of the property involved, he is not able to build the same type of structure that other persons with the same zoning classification can build. Variances for uses permitted will not be considered in as much as “use Variances” are not legal in the State of Mississippi.

Most Variances must be granted by the City Council; however, certain minor Variances may be granted by the Economic Development Director in accordance with *Section 4.18.3* below.

4.18.1 Who May Initiate

A request for a Variance may be initiated by the property owner or agent of the owner provided that said property has not been denied a previous request for a Variance for the same property or portion of property within the past twelve (12) months.

4.18.2 Application for Variance

Applications for a Variance (from dimensional requirements) may be filed on the appropriate application available from the Economic Development/Planning Department and shall include all requested information, attachments and submittals:

4.18.3 Administrative Variances

The following dimensional variances may be granted by the Economic Development Director at his/her discretion (Note: Within the COR, Corridor Overlay District, applicants shall be required to mitigate a requested dimensional variance in accordance with the Tier Land Use Provisions in Section 5.11):

- A. 30% of required off-street parking spaces and/or
- B. 30% of required setbacks from property lines

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

- A. That special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels) or structures or buildings in the same district;
- B. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance;
- C. That the special conditions and circumstances do not result from actions of the applicant; and
- D. That granting the Variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other similar sites (lots or parcels) structures or buildings in the same district.

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets all "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the variance request as presented;
2. Recommend that City Council approve the variance request with changes; or
3. Recommend that City Council deny variance request.

Chairman Jamison asked the applicant to present their case.

Steven Brown, the applicant, apologized for the confusion at the last meeting when his fiancée presented the case. He said they never planned to live in the structure. It was in bad need of repairs, and he wanted the electricity turned on so that they could make repairs and complete what the previous owner had started. The previous owner was in the process of converting the garage into living space. It is all wired and has a/c. The garage doors in the front need to be removed and new doors put in. He said they didn't plan on moving into a 400 square foot dwelling. They were just trying to get a temporary power pole so they could use their table saws, etc. to do repairs.

Chairman Jamison said that from what she remembers from the last meeting, the problem was that his fiancée said that they were going to stay the night there sometimes after a hard day working on the property and have a place to shower. His fiancée didn't seem to know how long they were going to stay there. She explained that this structure was originally an accessory structure to a house that had been damaged by a storm and had recently been torn down. Her concern was that, if the request were to be approved, the applicants might move into the structure and never build a house that met the 1325 square foot requirement for that district.

Commissioner McManus noted that the structure would become their primary residence.

Chairman Jamison said that because the structure would become their primary residence, they would not be able to build another house on the property.

Mr. Brown said they were just going to fix the building up so someone would buy it and that they were already trying to sell it. He said they had already put \$20,000 into it.

Chairman Jamison said that her understanding now was that they wanted to finish the garage and consider the structure a house, not a garage and a garage apartment, and sell it, not live in it. This was totally different than what was explained at the meeting last month.

Mr. Ankerson noted that the request had turned into something totally different than what was presented to Staff when the request was made. If the applicants want to make it a primary structure, he could revisit everything and see how much square footage would need to be added to the structure for it to meet the minimum square footage requirements

for a house. The applicants would have to go through the permit process, and he would have to look at setbacks, etc.

Mr. Brown said that he and his fiancée were already looking at property in Tennessee to buy and that they were planning to move as soon as possible. They didn't want to leave with the structure in the condition it is in since they were trying to sell it. They want to finish the repairs but knew that running generators would be noisy for the neighbors.

Commissioner McManus asked why he didn't just sell the property as is. She said you never know what the new owner might want to do with the property or the structure.

Mr. Brown said that may be what they decide to do.

There were none in attendance speaking in opposition of the request.

ACTION TAKEN:

Commissioner Hudson made a motion to deny the request.

Chairman Jamison seconded the motion, and the following vote was recorded:

AYES: **Kay C. Jamison**
 Joshua Ward
 DeAnna McManus
 Maurice Hudson
 William Davis
 Chris Hoover

ABSENT: **Ricky Decoteau**

Motion passed.

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2. Consider a request for a Special Exception that would allow a mobile home in a R-1 Low Density Single-Family Residential Zoning District. 2132 Dailey Road, (GPC #24-20-SE)

Scott Ankerson, Planning Director, gave a brief overview of the case.

REQUEST:

The Planning Department has received a request from Fernando Rodriguez for a Special Exception that would allow a mobile home in a R-1 Low Density Single-Family Residential Zoning District at 2132 Dailey Road, PID #85700145.000 (GPC #24-20-SE). The

application fee of \$250 was paid on May 3, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned R-1 Low Density Single-Family Residential.

1. Location: 2132 Dailey Road, PID #85700145.000 (See Exhibit A)
2. General features of the proposed project:
 - Lot Size: 0.34 acres
 - Existing mobile home on property
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): R-1 Low Density Single-Family Residential
5. Current Surrounding Zoning (See Exhibit B): R-1 Low Density Single-Family Residential
6. Current Surrounding Existing Land Use (See Exhibit C): Residential, Vacant, Mobile Homes
7. Comprehensive Plan Future Land Use Designation (See Exhibit D) Medium Density Residential
8. Comprehensive Plan Future Land Use Designation (See Exhibit D): Medium Density Residential.

DISCUSSION:

The following addresses the review criteria for a Special Exception outlined in Section 4.16.4 of the UDO.

1. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant?

Applicant Response: *I got the property using all my savings with the intention to set my mother in a free and clear of worries environment in the City of Gautier,*

Staff Finding: *There are currently other Mobile Homes existing in the immediate area in the same zoning district.*

2. Explain how the requested Special Exception will be in harmony with the purpose of the City of Gautier's Unified Development Ordinance and will not be injurious to the neighborhood or the general welfare?

Applicant Response: *By allowing my mobile home to stay on the property would not affect any neighbors at all. Seems like many of the homes nearby are mobile homes as well.*

Staff Finding: *Future Land Use designation is Medium Density Residential.*

3. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant.

Applicant Response: *I am not sure how to respond to that. I did get the property not knowing much about it.*

Staff Finding: *Unsubstantiated*

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines a Special Exception as a relaxation of the terms of the Unified Development Ordinance where such an exception will not be contrary to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the ordinance would result in undue hardship. Special Exceptions are necessary when an applicant seeks to establish or expand a use not ordinarily permitted in a specific zoning district. "Special Exceptions" are not transferable from one (1) owner of land to another.
2. Special Exception requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).
3. Once an application for a Special Exception is submitted to the Planning Department, the procedures outlined in UDO Section 4.14.1 will be followed. At the appropriate time, The Planning Commission will conduct a public hearing to determine whether the applicant meets all relevant criteria, and make a recommendation to City Council pursuant to UDO Section 4.14.4. City Council, pursuant to UDO Section 4.14.4(C), will then consider the matter at its next regularly scheduled meeting and approve or deny the Special Exception.
4. A Special Exception is required for uses not ordinarily permitted in a specific zoning district. Special Exceptions are not permitted by right, and may only be granted when certain criteria are established. (4.16.4)
5. Special Exceptions do not run with the land, and may be revoked by the Planning Department if any of the following circumstances are discovered:
 - A. The property changes ownership
 - B. The property is being utilized in a manner not permitted under the zoning regulations or the special exception; or
 - C. The property ceases to be used for the purpose allowed in the Special Exception for a period of one hundred eighty (180) days during the existence of the Special Exception.

The UDO defines **Hardship** as:

Hardship means the unnecessary hardship that would result from a failure to grant the requested variance or special exception. An unnecessary hardship exists if:

- (1) the land in question cannot yield a reasonable return if used only
 - (a) for a purpose allowed in that zone (applicable to special exceptions), or
 - (b) as permitted by the dimensional requirements of this ordinance (applicable to variances);
- (2) that the plight of the owner is due to unique circumstances of the land for which the variance or special exception is sought; and
- (3) that the use to be authorized by the variance will not alter the essential character of the locality.

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets the "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the Special Exception;
2. Recommend that City Council approve the Special Exception with changes; or
3. Recommend that City Council deny the Special Exception.

Chairman Jamison asked the applicant to present his case.

Fernando Rodriguez, the applicant, said he originally bought the property for his mother. He said the previous owner didn't advise him, and he didn't do the proper research to find out, that the mobile home wasn't allowed to stay on the property.

Chairman Jamison stated that the problem seemed to be that he bought a piece of property with a mobile home on it, not knowing it was an R-1 district that doesn't allow mobile homes. And since the power had been off for more than a year the mobile home was no longer grandfathered in.

Mr. Rodriguez said that when he called the power company they turned the power on, but when he called the Planning Department he was told the power company shouldn't have turned it on.

Chairman Jamison noted that practically the whole street has mobile homes on it.

Mr. Rodriguez said that he had put new floors in and had started other repairs that needed to be done on the mobile home. He said that when he went to get the water turned on, he was told the mobile home was no longer allowed on the property.

Commissioner Hoover said that the mobile home definitely fits the area. He also asked how much work was left to do on the mobile home.

Mr. Rodriguez said he was going to redo the front porch and the inside. He said he also wondered why it wasn't allowed there because there were other mobile homes on the street.

Commissioner Davis asked if the existing mobile home was grandfathered in because of the original zoning.

Mr. Ankerson said that it was most likely placed there under a different zoning designation, but the area has been rezoned R-1 Single-Family Residential. The structure would have been legal non-conforming until it lost utilities and became vacant for more than 180 days, which is what happened. The applicant purchased the property and went to the power company to have the power turned on. The power company turned the power on without sending the applicant to Planning for an inspection. This was a mistake on the power company's part. A permit for power would never have been issued because mobile homes are not allowed in an R-1 district. The mobile home received power without being inspected, but when he went to get the water turned on, the City realized the power company had turned on power to the illegal non-conforming structure. The applicant was then notified of the process to get permission for power at this location. If the request is approved by Council, he will have to get a permit for a power inspection and for the work he is doing. If the mobile home passes the inspection, power will be released.

There were none in attendance speaking in opposition of the request.

ACTION TAKEN:

Commissioner Hoover made a motion to recommend approval of the Special Exception as presented.

Commissioner Hudson seconded the motion, and the following vote was recorded:

AYES: **Kay C. Jamison**
 Josh Ward
 DeAnna McManus
 Maurice Hudson
 William Davis
 Chris Hoover

ABSENT: **Ricky Decoteau**

Motion passed.

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3. Consider a request for a Conditional Use-Major that would allow a Recreational Vehicle (RV) in a Mobile Home Park in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District. 3101 Oak Street (GPC #24-21-CU)

Scott Ankerson, Planning Director, gave a brief overview of the case.

REQUEST:

The Planning Department has received a request from Albert Guy Easom, III for a Conditional Use-Major that would allow a Recreational Vehicle (RV) in a Mobile Home Park in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District at 3101 Oak Street, PID #87010066.000 (GPC #24-21-CU). The application fee of \$250 was paid on May 8, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned MURC-MW Mixed Use Recreation Commercial – Mary Walker.

1. Location: 3101 Oak Street, PID #87010066.000 (See Exhibit A)
2. General features of the proposed project:
Total Area of Mobile Home Park: Approximately 11.47 Acres
3. Existing Zoning – MURC-MW Mixed Use Recreation Commercial – Mary Walker (See Exhibit B)
4. Existing Land Use – Mobile Home Park (See Exhibit C)
5. Comprehensive Plan Future Land Use Designation – Recreational Commercial (See Exhibit D)

DISCUSSION:

The following addresses the review criteria for a Major Conditional Use outlined in Section 4.17.5 of the UDO.

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District?

Applicant Response: Yes.

Staff Finding: Yes. Recreational Vehicle (RV) is listed as a Conditional Use-Major in a MURC-MW Mixed Use Recreation Commercial District.

2. Describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering or other plans.

Applicant Response: Other RVs in area

Staff Finding: The proposed use is allowed in a MURC-MW zoning district with a Major Conditional Use. Special conditions may be imposed if deemed necessary

to help the proposed use be more compatible with the character of development in the vicinity.

3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.

Applicant Response: No.

Staff Finding: *There is no evidence to indicate the proposed use will negatively affect the property values or cause a detriment to the surrounding properties.*

4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.

Applicant Response: No.

Staff Finding: *There is no evidence that the proposed use will have any adverse effect on vehicular or pedestrian traffic.*

5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?

Applicant Response: Yes.

Staff Finding: *The proposed use can be accommodated by existing public services and facilities.*

6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.

Applicant Response: Yes.

Staff Finding: *The Comprehensive Plan calls out "Recreational Commercial" for future land use of this property.*

7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain.

Applicant Response: No.

Staff Finding: *There is no evidence that the proposed use poses a hazardous, detrimental, or disturbing effect to present surrounding uses.*

8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.

Applicant Response: Yes.

Staff Finding: The proposed use will conform to all current district regulations.

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines conditional uses as specific uses which are enumerated in each zoning district and which because of their nature are not allowed by right but may be allowed after the required review process. The City may specify certain conditions as necessary to make the use compatible with other uses in the same district. Conditional uses are issued for uses of land and uses designated "Conditional Uses-Major" are transferable from one (1) owner of land to another.

The UDO further defines Conditional Uses-Major as uses that are not allowed by right but require a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to a new owner, the new owner must submit a letter to the Planning Director agreeing to the current terms and condition.

2. Conditional Uses-Major requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets the "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the Conditional Use-Major
2. Recommend that City Council approve the Conditional Use-Major with changes;
or
3. Recommend that City Council deny the Conditional Use-Major.

Chairman Jamison asked the applicant to present his case.

Albert Guy Easom, the applicant, said there was a mobile home on the lot where the RV is now but a tree fell on it, so he removed the mobile home. A guy wanted to rent the lot to put an RV on it. The guy moved the RV in and when he went to get power he found out he couldn't because the property isn't zoned for RVs. Mr. Easom said the 2022 model RV looks 100 times better than the 1974 model mobile home that was in there. He said the RV is located all the way in the back of the property and can't be seen from any street. The RV owner told him the only reason he didn't put a mobile home on the lot was

because they were too expensive. Especially since he was only going to come down about twice a month.

Chairman Jamison asked if there were only mobile homes on the lot or were there other RVs.

Mr. Easom said there were 5 other RVs on the property now that are used for camps. After Hurricane Katrina hit there were a lot of RVs that moved in, and a large number of those later moved out.

Chairman Jamison asked Mr. Ankerson if the RVs might have been grandfathered in or moved in without the City's knowledge.

Mr. Ankerson said that could have been the case. Either that or they have been there a number of years.

Commissioner McManus asked Mr. Easom how long he had owned the property.

Mr. Easom said he bought the property in 1999.

Chairman Jamison asked how old the RVs were.

Mr. Easom said that all the RVs were newer RVs.

Chairman Jamison stated that if Mr. Easom recently allowed other campers to move in he did so without it being legal. At least since 2011, this property has been zoned as a mobile home park, so if the RVs came in before 2011, they would be grandfathered but after 2011 they would not be in compliance.

Mr. Ankerson explained that an RV park is allowed by right in the MURC-MW district, but this is a mobile home park that was grandfathered in, not an RV park. A new mobile home park would not be allowed by right in this district. A new mobile home would not be allowed in MURC-MW by right either, although an existing mobile home would be allowed to stay or be replaced. Placing a single RV on a lot that is not an RV park would require approval of a Conditional Use-Major which is why this request is before the Planning Commission.

Chairman Jamison asked if a Conditional Use stayed with the property, and if so, would this allow the other 5 RVs.

Mr. Ankerson advised that a Conditional Use does stay with the land and that if this request were approved it would basically allow RVs on the property.

Commissioner Hudson noted that the area was inundated with other mobile homes and RVs. He doesn't want to send a mixed message by allowing something that they have been denying, but this area is consistent with the harmony of that area.

Chairman Jamison said that this 11-acre mobile home park, which is full of mobile homes and campers, is different than mobile homes and campers being located on a road.

Michele Gautier Lee stated that her office is located at 420 Highway 90 and the back of her office is on Mary Walker Drive. She said that in the last 2-3 years permission has been given to put RVs all along River Oaks Drive and Mary Walker Drive. She feels that an RV should only stay for a couple weeks or a couple months then have to pick up and move. She is seeing small lots with RVs that have wooden decks, which to her makes it more of a permanent spot. She is concerned that the neighborhood will be flooded with RVs that are permanent, not ones that come and go. RVs in an RV park should not be able to stay all year.

Chairman Jamison said that there are RV parks that rent by the month but allow RVs to stay for years.

Mr. Ankerson explained that our UDO does not dictate the terms of land rental or lease. What it does dictate is that an RV must be road ready at all times.

Michael Davis said there is a 3 month continuous stay within any 12 month period and they shall not be used as a permanent year-round residence. He said that was found in Article 6.6.1 General Regulations of the UDO. People are staying much longer than 3 months.

Chairman Jamison asked if Mr. Davis was correct about the 3 month stay.

Mr. Ankerson said it is in the Ordinance, but they could leave for a day and who's to say that someone is living there. The city doesn't have the Staff to check on this daily.

James Richard Lee said he would like to know what the permitted density of an RV park is, and what the minimum size has to be to be classified as an RV park. He has seen 3 or 4 RVs being placed on a lot that would not qualify for a house to be built on it. Some of the RVs he has seen are not readily mobile because they are either on blocks or jacks and the wheels have been taken off. He feels that making all these exceptions to the rules will soon lead to no rules.

Commissioner Hudson said he wants to guard what is being said but this particular case is to make a decision about an RV being in a mobile home park. He asked if an old RV is deteriorating, and the owner wants to replace it, would they have to come before the Planning Commission and Council for approval.

Mr. Ankerson explained that if a new lot for an RV is established on a parcel, the power pole and the density of the park would have to be looked at. If an RV is going on an existing lot with an existing pole, we only inspect the pole. Most of the RV parks in the area are grandfathered parks. They existed before the Ordinance changed in 2010. If a park gets to the maximum density allowed, we will stop allowing new lots in the park so it would stay compliant.

Commissioner McManus said we were getting off topic. This is not an RV park.

Commissioner Davis said that last month there was a request for an RV to be allowed on an individual lot in the MURC-MW district and there were a lot of objections and discussion based on the character of the different areas within the district. He would like

to see City Council look at the area and see if there was a way to segregate the district due to the different characteristics of each area.

Commissioner Hoover asked if the request was denied would it affect the other 5 RVs in the mobile home park.

Mr. Ankerson said that in order to answer that he would have to do some research and see if he could find out when they were brought in.

ACTION TAKEN:

Commissioner McManus made a motion to recommend that City Council deny the Conditional Use-Major.

Commissioner Ward seconded the motion, and the following vote was recorded:

AYES: **Kay C. Jamison**
 Josh Ward
 DeAnna McManus
 Maurice Hudson
 Chris Hoover
 William Davis

ABSENT: **Ricky Decoteau**

Motion passed.

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4. Consider a request for a two-foot (2') variance to fence height requirements in a R-1 Low Density Single-Family Residential Zoning District. 1801 Seacliffe Drive, PID #82513460.060, (GPC #24-22-VAR)

Scott Ankerson, Planning Director, gave a brief overview of the case.

Chairman Jamison asked what made this a secondary front yard.

Mr. Ankerson explained that this is a secondary front yard because it is a through lot. Because she owns the lot behind her house, and they are contiguous, they are treated as one lot. The rear lot is adjacent to McVeay Lane.

REQUEST:

The Planning Department has received a request from Kelly Braud for a two-foot (2') Variance to fence height requirements in a secondary front yard in a R-1 Low Density Single-Family Residential Zoning District at 1801 Seacliffe, PID #82513460.060 (GPC #24-22-VAR) The application fee of \$175 was paid on May 13, 2024. All public notice requirements have been met.

BACKGROUND:

The applicant has placed a six-foot (6') privacy fence in a secondary front yard area where the maximum fence height allowed is four feet (4'). The applicant needs a two-foot (2') variance to the fence height requirements in a secondary front yard.

DISCUSSION:

The applicant is requesting a two-foot (2') variance to fence height requirements in a secondary front yard in a R-1 Low Density Single-Family Residential Zoning District. The maximum height for a fence in a front yard or secondary front yard is four feet (4'). (See UDO Article 11, Section 11.10.2) Her fence is six feet (6') in height.

DETERMINATION OF APPLICABLE LAW:

The Unified Development Ordinance (UDO) defines **Variances** as:

A Variance is a relaxation of the terms of the Unified Development Ordinance where such Variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, a literal enforcement of the Ordinance would result in an unnecessary or undue hardship. As used in this Ordinance, a Variance is authorized only for height, area and size of structure, or size of yards, separation of uses, open spaces, off-street parking spaces and some subdivision of property. The establishment or expansion of a use not permitted shall not be allowed by Variance.

The UDO defines **Hardship** as:

Hardship means the unnecessary hardship that would result from a failure to grant the requested variance or special exception. An unnecessary hardship exists if:

- (1) the land in question cannot yield a reasonable return if used only
 - (a) for a purpose allowed in that zone (applicable to special exceptions), or
 - (b) as permitted by the dimensional requirements of this ordinance (applicable to variances);
- (2) that the plight of the owner is due to unique circumstances of the land for which the variance or special exception is sought; and
- (3) that the use to be authorized by the variance will not alter the essential character of the locality.

UDO SECTION 4.18: Variance

In certain circumstances, a Variance from the dimensional requirements (i.e. height, setbacks, square footage) of this ordinance may be granted if the applicant can prove that because of physical constraints of the property involved, he is not able to build the same type of structure that other persons with the same zoning classification can build. Variances for uses permitted will not be considered in as much as "use Variances" are not legal in the State of Mississippi.

Most Variances must be granted by the City Council; however, certain minor Variances may be granted by the Economic Development Director in accordance with *Section 4.18.3* below.

4.18.1 Who May Initiate

A request for a Variance may be initiated by the property owner or agent of the owner provided that said property has not been denied a previous request for a Variance for the same property or portion of property within the past twelve (12) months.

4.18.2 Application for Variance

Applications for a Variance (from dimensional requirements) may be filed on the appropriate application available from the Economic Development/Planning Department and shall include all requested information, attachments and submittals:

4.18.3 Administrative Variances

The following dimensional variances may be granted by the Economic Development Director at his/her discretion (Note: Within the COR, Corridor Overlay District, applicants shall be required to mitigate a requested dimensional variance in accordance with the Tier Land Use Provisions in Section 5.11):

- A. 30% of required off-street parking spaces and/or
- B. 30% of required setbacks from property lines

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

- A. That special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels) or structures or buildings in the same district;
- B. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance;
- C. That the special conditions and circumstances do not result from actions of the applicant; and
- D. That granting the Variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other similar sites (lots or parcels) structures or buildings in the same district.

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets all "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the variance request as presented;
2. Recommend that City Council approve the variance request with changes; or
3. Recommend that City Council deny variance request.

Chairman Jamison asked the applicant to present her case.

Kelly Braud, the applicant, explained that her house faces Seacliffe, but her back yard abuts McVeay Lane. There was an existing chain link fence in the rear yard that they were going to keep but some very aggressive dogs had jumped it and tried to attack her family. She contacted Lowe's who contracted out to a fencing company. The company told her they were going to check the Ordinances and get any permits that were needed. Although they told her everything was good, they apparently didn't do what was needed because a year and a half later she got an ordinance violation notice.

Commissioner Davis asked how far off the road the fence was.

Ms. Braud said the fence was 13' from the property line and about 25' from the road.

Chairman Jamison noted that the issue was the height of the fence.

Mr. Ankerson explained that the request could have been submitted as a variance to distance or submitted as a variance to height. The fence would be legal if it was 25' off the property line because that is what the designated secondary front yard is. From the property line 25' back is the required setback to the building line which makes that the secondary front yard area. The fence is in front of that 25' requirement but there is also a height issue of 2'. The fence is 6' in height. It could remain where it is if it were only 4' high. It could have been requested as a setback variance or a height variance.

Chairman Jamison asked if it were too expensive to move the fence in to the 25' mark.

Ms. Braud said when she called Lowe's they told her it would cost a little over \$4000 to move the fence.

Chairman Jamison asked how much of her property she had fenced in and was it a wood fence. If it were wood, could it be chopped off to 4' for less than \$4000.

Ms. Braud said it was a wood fence and her whole yard is fenced but it would just be the back lot line that is the issue. The whole point of having a 6' fence is that at 4' the dogs could jump it and they were very aggressive. She was not only concerned for her family's safety, but she has dogs of her own.

Abby Spurrier explained that she had inherited property adjacent to Ms. Braud's property on McVeay Lane about two years ago. She gave the Commissioners a handout with pictures showing the repairs/remodel she had done on the property. She said that because her house is 35' from the property line Ms. Braud's fence should either be 4' high to a point that is 35' from the property line, or 6' high at a point that is over 25' from the property line. The original chain link fence is still up. The wooden fence only goes straight back with the property line from the lot on Seacliffe which means the property on either side of the fence will just grow back up. She said she shouldn't have to look at this eyesore since they have fixed up their property on McVeay.

Commissioner Hudson noted that there was only a tree line behind the fence. There was no entrance to the main structure on McVeay Lane, only on Seacliffe Drive.

Commissioner McManus said that even if she moves the fence back to the 25' line the property past the fence will still look the same. There is vegetation that actually camouflages the fence. That vegetation could be there whether the fence was there or not.

Ms. Spurrier said the fence would still block her view.

Commissioner Davis said if the picture she had given them was taken from her property, the only thing he saw that might block her view would be the trees not the fence.

William Bucklew, owner of property at 1708 McVeay Lane, said that before the fence was put up, he had a clear view of what was coming down the road, but now he has to pull up past the shrub line to see traffic. He said he spoke to Ms. Braud's father when the fence was being built and told him what the rules were and that the fence wasn't to code. The father said the fence company had a permit.

Chairman Jamison said she thinks the Commissioners should go by the UDO and make Ms. Braud move the fence back to the 25' line. She doesn't think it would cost \$4000 to move it. What happens if McVeay turns into the next place to build a new house and you have these 6' fences you are looking at. It doesn't make your yard very appealing.

Commissioner Hudson said he disagrees because it isn't her fault that her contractor didn't do their due diligence. Also, the so-called eyesore isn't the fence, it has been said that it is the vegetation.

Commissioner McManus said that if you move the fence back everything is going to look exactly the same. The line of trees will still be there. She doesn't think it will change the visual aspect. It will still look like a 6' privacy fence with a line of trees behind it. As for not being able to see down the street, McVeay is a tiny road without a lot of traffic.

ACTION TAKEN:

Commissioner Hudson made a motion to recommend that the City Council approve the 2' variance on the height of the fence.

Commissioner McManus seconded the motion, and the following vote was recorded:

AYES: **DeAnna McManus**
 Maurice Hudson
 Chris Hoover
 William Davis

NAYS: **Kay C. Jamison**

ABSENT: **Josh Ward**
 Ricky Decoteau

Motion passed.

NOTE: Commissioner Ward, who was attending by phone, left the meeting sometime during this case.

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5. Consider a request for a Conditional Use-Major that would allow a Recreational Vehicle (RV) on an individual lot in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District. 3224 & 3228 Willis Drive (GPC #24-23-CU)

Scott Ankerson, Planning Director, gave a brief overview of the case. He explained that they were proposing to put the RV in the center of two lots.

Commissioner Davis asked for clarification that a Conditional Use stayed with the land, and that the Ordinance states that this use is not allowed by right, only allowed if approved.

Mr. Ankerson stated that a Conditional Use did stay with the land and that an RV on an individual lot in MURC-MW was only allowed if a Conditional Use – Major was approved by Council. An RV park is allowed by right in the district if it meets all the requirements set by the UDO for an RV park.

REQUEST:

The Planning Department has received a request from Karen Cooley for a Conditional Use-Major that would allow a Recreational Vehicle (RV) on an individual lot in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District at 3224 & 3228 Willis Drive, PID #87420108.000 & #87420107.000. The applicant plans to park the RV on the property line between the two lots. (GPC #24-23-CU). The application fee of \$250 was paid on May 15, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned MURC-MW Mixed Use Recreation Commercial – Mary Walker.

1. Location: 3224 & 3228 Willis Drive, PID #87420108.000 & #87420107.000 (See Exhibit A)
2. General features of the proposed project:
Total Area of Both Lots: Approximately 0.26 Acres

3. Existing Zoning – MURC-MW Mixed Use Recreation Commercial – Mary Walker (See Exhibit B)
4. Existing Land Use – Vacant (See Exhibit C)
5. Comprehensive Plan Future Land Use Designation – Recreational Commercial (See Exhibit D)

DISCUSSION:

The following addresses the review criteria for a Major Conditional Use outlined in Section 4.17.5 of the UDO.

1. Is the proposed use listed in the list of possible Conditional Uses in the Zoning District?

Applicant Response: Yes.

Staff Finding: Yes. Recreational Vehicle (RV) is listed as a Conditional Use-Major in a MURC-MW Mixed Use Recreation Commercial District.

2. Describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk, and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering, or other plans.

Applicant Response: Other RVs in area

Staff Finding: The proposed use is allowed in a MURC-MW zoning district with a Major Conditional Use. Special conditions may be imposed if deemed necessary to help the proposed use be more compatible with the character of development in the vicinity.

3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.

Applicant Response: No.

Staff Finding: There is no evidence to indicate the proposed use will negatively affect the property values or cause a detriment to the surrounding properties.

4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.

Applicant Response: No.

Staff Finding: *There is no evidence that the proposed use will have any adverse effect on vehicular or pedestrian traffic.*

5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?

Applicant Response: Yes.

Staff Finding: *The proposed use can be accommodated by existing public services and facilities.*

6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.

Applicant Response: Yes.

Staff Finding: *The Comprehensive Plan calls out "Recreational Commercial" for future land use of this property.*

7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain.

Applicant Response: No.

Staff Finding: *There is no evidence that the proposed use poses a hazardous, detrimental, or disturbing effect to present surrounding uses.*

8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.

Applicant Response: Yes.

Staff Finding: *The proposed use will conform to all current district regulations.*

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines conditional uses as specific uses which are enumerated in each zoning district and which because of their nature are not allowed by right but may be allowed after the required review process. The City may specify certain conditions as necessary to make the use compatible with other uses in the same district. Conditional uses are issued for uses of land and uses designated "Conditional Uses-Major" are transferable from one (1) owner of land to another.

The UDO further defines Conditional Uses-Major as uses that are not allowed by right but require a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to a new owner, the new owner must submit a letter to the Planning Director agreeing to the current terms and condition.

2. Conditional Uses-Major requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets the "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the Conditional Use-Major
2. Recommend that City Council approve the Conditional Use-Major with changes;
or
3. Recommend that City Council deny the Conditional Use-Major.

Chairman Jamison asked the applicant to present her case.

Karen Cooley, the applicant, said she would like to put a recreational camper on her property on Willis Street that her family has owned since 1958. The house that was on the property was destroyed by Hurricane Katrina. She usually comes in the fall and stays until the spring, but she would be happy to work with the city. If she needs to only stay 3 months and move back and forth she would, but that would be a nuisance to whoever lives next to her. She just wants to be able to use her property. There is an RV at the other end of Willis Drive that stayed there for 3 or 4 months and just left out. Eddie Pearson's property on the other side of Willis has 3 RVs hooked up to power. Her RV is about 4 years old.

Michael Davis, 3100 Oak Street, said he opposes all drag behind campers to be put in the city on lots that are supposed to have residential houses. He doesn't mind anything that would be there temporarily like one to three months maybe, but the lots are designed for building a house. RVs that are allowed on individual lots will probably be there longer than the maximum amount of time that RVs are allowed in an RV park. If you are going to continually come down to stay in an RV, you need to stay in an RV park.

Commissioner Davis restated what he said in an earlier case. He thinks the MURC-MW district should be studied and possibly revised. Otherwise, they will be looking at this type of request over and over.

Michelle Gautier Lee said that allowing RVs on these small lots is making it too crowded. It is increasing the density too much. She said that most of these RVs have come in since the new Ordinance.

Chairman Jamison read four letters of opposition that were received into the record.

Jamie Hannah, Ms. Cooley's stepdaughter, said the property is on the water and they like to fish. Having the RV there would give them a cool place to go when they are fishing or just enjoying the property. She said the environment and vibe of the whole area is fish camps, marina, etc.

Commissioner Davis asked if a Conditional Use runs with the land, and if conditions were put on the Conditional Use, would those conditions stay with the land forever.

Mr. Ankerson explained that if ownership of the property changed and the new owner wanted to have the same Conditional Use that was approved, the new owner would have to comply with the same conditions that were placed on it originally.

ACTION TAKEN:

Commissioner McManus made a motion to recommend that City Council deny the Conditional Use-Major.

Commissioner Hudson seconded the motion, and the following vote was recorded:

AYES: **Kay C. Jamison**
 DeAnna McManus
 Maurice Hudson
 Chris Hoover

NAYS: **William Davis**

ABSENT: **Josh Ward**
 Ricky Decoteau

Motion passed.

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6. Consider a request for a Special Exception that would allow an accessory building on a lot without a primary structure in a R-1 Low Density Single-Family Residential Zoning District. 913 Roys Road, (GPC #24-24-SE)

Scott Ankerson, Planning Director, gave a brief overview of the case.

REQUEST:

The Planning Department has received a request from James Thomas for a Special Exception that would allow an accessory building on a lot without a primary structure in a

R-1 Low Density Single-Family Residential Zoning District at 913 Roys Road, PID #81807061.050 (GPC #24-24-SE). The application fee of \$250 was paid on May 15, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned R-1 Low Density Single-Family Residential.

1. Location: 913 Roys Road, PID #81807061.050 (See Exhibit A)
2. General features of the proposed project:
Lot Size: 0.63 acres
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): R-1 Low Density Single-Family Residential
5. Current Surrounding Zoning (See Exhibit B): R-1 Low Density Single-Family Residential
6. Current Surrounding Existing Land Use (See Exhibit C): Residential, Vacant
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Low Density Residential.

DISCUSSION:

The following addresses the review criteria for a Special Exception outlined in Section 4.16.4 of the UDO.

1. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant?

Applicant Response: *There are other accessory structures in the area.*

Staff Finding: *Unsubstantiated*

2. Explain how the requested Special Exception will be in harmony with the purpose of the City of Gautier's Unified Development Ordinance and will not be injurious to the neighborhood or the general welfare?

Applicant Response: *It will not be injurious to the neighborhood.*

Staff Finding: *Staff's opinion is that approval of the request will not negatively affect the neighborhood.*

3. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant.

Applicant Response: *We would like to move our shed to this lot.*

Staff Finding: *Unsubstantiated*

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines a Special Exception as a relaxation of the terms of the Unified Development Ordinance where such an exception will not be contrary to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the ordinance would result in undue hardship. Special Exceptions are necessary when an applicant seeks to establish or expand a use not ordinarily permitted in a specific zoning district. "Special Exceptions" are not transferable from one (1) owner of land to another.
2. Special Exception requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).
3. Once an application for a Special Exception is submitted to the Planning Department, the procedures outlined in UDO Section 4.14.1 will be followed. At the appropriate time, The Planning Commission will conduct a public hearing to determine whether the applicant meets all relevant criteria, and make a recommendation to City Council pursuant to UDO Section 4.14.4. City Council, pursuant to UDO Section 4.14.4(C), will then consider the matter at its next regularly scheduled meeting and approve or deny the Special Exception.
4. A Special Exception is required for uses not ordinarily permitted in a specific zoning district. Special Exceptions are not permitted by right, and may only be granted when certain criteria are established. (4.16.4)
5. Special Exceptions do not run with the land, and may be revoked by the Planning Department if any of the following circumstances are discovered:
 - A. The property changes ownership
 - B. The property is being utilized in a manner not permitted under the zoning regulations or the special exception; or
 - C. The property ceases to be used for the purpose allowed in the Special Exception for a period of one hundred eighty (180) days during the existence of the Special Exception.

The UDO defines **Hardship** as:

Hardship means the unnecessary hardship that would result from a failure to grant the requested variance or special exception. An unnecessary hardship exists if:

- (1) the land in question cannot yield a reasonable return if used only
 - (a) for a purpose allowed in that zone (applicable to special exceptions), or
 - (b) as permitted by the dimensional requirements of this ordinance (applicable to variances);
- (2) that the plight of the owner is due to unique circumstances of the land for which the variance or special exception is sought; and
- (3) that the use to be authorized by the variance will not alter the essential character of the locality.

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets the "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the Special Exception;
2. Recommend that City Council approve the Special Exception with changes; or
3. Recommend that City Council deny the Special Exception.

Chairman Jamison asked the applicant to present his case.

James Thomas, the applicant, said he wants to put a shed on the property to store his tools and equipment. He wants to put power to an existing pole that needs a meter. There is a bunker on the property that has been there for over 30 years. He said he would like to go ahead and put a freezer and some canned food in the bunker in case of a tornado or hurricane. He wants to place the shed on top of the bunker and run power to the shed and the bunker. In 2019 there was a trailer adjoined to the bunker that he demolished for the owner. Later he bought the property because he wanted the bunker. He also owns several properties across the street, including the property his house is on.

Chairman Jamison asked why he didn't put the shed on the property where his house is.

Mr. Thomas said he already has one on that property.

Mr. Ankerson asked to clarify some things about the request. He said the applicant came to the Planning Department wanting to get power released to the existing pole on the lot. Since we do not release power to a vacant lot, he said he suggested to the applicant that if he asked for a Special Exception to put an accessory structure on the lot, and if it was approved, then we could give power to the accessory structure. He does own property directly across the street, but it is not contiguous to this property.

Jamie Hannah, the applicant's daughter, said he has had some things taken off of his other property, so she suggested he put some security cameras on that property. He already has security cameras on his other property. He also wants power to the bunker and a shed for his tools.

Christina Allen, who lives next door to the lot, said Mr. Thomas has made the neighborhood a lot nicer. She doesn't think the bunker is safe and has called the city several times to say that it needs to be taken out. She said Mr. Thomas has people living in 2 RVs on the property where his house is that have been there since he bought the property. She is concerned that if a structure goes up next door there will be squatters or someone living in it that doesn't need to be living there. There is already a Conex container, vehicles, and boat trailers on the property. She is worried that a bunch of equipment will be put there because he owns a construction company. She said that she doesn't want commercial equipment there because it would make the property a prime target for sketchy people looking to steal something.

Chairman Jamison advised Mr. Thomas that he isn't supposed to have anyone living in an RV on his property in that neighborhood.

Patrick Brown, who lives at 5601 Dead River Road, said he doesn't really believe in telling someone what they can do with their property, but he does believe the Commissioners need to be consistent.

Jane Knight, who lives at 900 Roys Road, said the road is very narrow and is not conducive for heavy equipment or big trucks. The garbage trucks have trouble going down it.

Chairman Jamison said that the shed he wants to build is not for commercial stuff and he is not allowed to park commercial equipment on the property.

Mr. Thomas said the shed he wants is 8' x 10'.

Chairman Jamison asked if the shed could actually be put on top of the bunker and was the bunker up to code.

Mr. Ankerson said he didn't know what shape the bunker was in and all of that would be something that would be considered upon application for the actual building being put on the property. It would require an engineer to look at it and to see if a structure could actually be placed over an existing bunker.

Commissioner Davis asked if there was any way to allow the applicant to put electricity in the bunker.

Mr. Ankerson explained that the bunker is legal non-conforming. It was like having an accessory building left on the property when the trailer was demolished in 2019. This was a City abated property. When the trailer was demolished, it was brought to the attention of the City that the bunker was there. It is only there because it would have been more costly for the City to remove it than to secure over the top of it. It wasn't an eyesore because it was below ground. They were told to secure it and leave it in place.

Commissioner Davis noted that now he wants to utilize the structure.

Mr. Ankerson said that even though he has decided that he wants to utilize the bunker he is not sure if he can because we don't know what shape it is in.

Commissioner Hudson mentioned that there were already violations on the property that needed to be dealt with.

Mr. Ankerson said the violations on the property are a separate matter for Code Enforcement to deal with.

Joe Winegar, who lives at 5564 Dead River Road, said that Mr. Thomas pays taxes like everyone else, and he is only asking for power to the property. Mr. Winegar thinks he deserves that much.

Chairman Jamison stated that if the Commission approves the shed so that Mr. Thomas can get power, she definitely wants to approve it for only an 8' x 10' shed. 8' x 10' is smaller than the picture he showed the Commissioners but that was the size he said he

wanted. She asked Mr. Ankerson if the request is approved, can he still put power to the bunker just because they are allowing power to the shed.

Mr. Ankerson said you could put a condition on the Special Exception that power can only go to the shed. If he does anything different, he would be in violation of the Special Exception, and it would be revoked.

Commissioner Hudson noted that as for security cameras he could use battery or solar cameras.

ACTION TAKEN:

Commissioner Hudson made a motion to recommend that Council deny the Special Exception.

Commissioner McManus seconded the motion, and the following vote was recorded:

AYES: **DeAnna McManus**
 Maurice Hudson
 William Davis
 Chris Hoover

NAYS: **Kay C. Jamison**

ABSENT: **Josh Ward**
 Ricky Decoteau

Motion passed.

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7. Consider a request for a seventeen (17) square foot variance to sign square footage requirements previously approved as a Special Exception located in a R-1 Low Density Single-Family Residential Zoning District. 3001 Ladnier Road, (GPC #24-25-VAR)

Scott Ankerson, Planning Director, gave a brief overview of the case.

REQUEST:

The Planning Department has received a request from PROMISS for a seventeen (17) square foot variance to sign square footage requirements previously approved as a Special Exception located in a R-1 Low Density Single-Family Residential Zoning District at 3001 Ladnier Road, PID #85106184.000 (GPC #24-25-VAR). The application fee of \$175 was paid on May 21, 2024. All public notice requirements have been met.

BACKGROUND:

In August 2006, a Conditional Use was approved for PROMISS, a non-profit Pregnancy Resource Center, that would allow them to be located in an R-1 Single Family Residential Zone at 3001 Ladnier Road. One of the conditions placed on the approval of the Conditional Use was that the only sign allowed would be what was allowed for a Home Occupation which was one unanimated, non-illuminated sign not to exceed one square foot in area mounted flush against the main building. The applicant is asking to be allowed to put up an eighteen square foot sign that would be mounted against the main building.

DISCUSSION:

The applicant is asking for a 17 square foot variance to the signage that was allowed when she was granted the Conditional Use.

DETERMINATION OF APPLICABLE LAW:

The Unified Development Ordinance (UDO) defines **Variances** as:

A Variance is a relaxation of the terms of the Unified Development Ordinance where such Variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, a literal enforcement of the Ordinance would result in an unnecessary or undue hardship. As used in this Ordinance, a Variance is authorized only for height, area and size of structure, or size of yards, separation of uses, open spaces, off-street parking spaces and some subdivision of property. The establishment or expansion of a use not permitted shall not be allowed by Variance.

The UDO defines **Hardship** as:

Hardship means the unnecessary hardship that would result from a failure to grant the requested variance or special exception. An unnecessary hardship exists if:

- (1) the land in question cannot yield a reasonable return if used only
 - (a) for a purpose allowed in that zone (applicable to special exceptions), or
 - (b) as permitted by the dimensional requirements of this ordinance (applicable to variances);
- (2) that the plight of the owner is due to unique circumstances of the land for which the variance or special exception is sought; and
- (3) that the use to be authorized by the variance will not alter the essential character of the locality.

UDO SECTION 4.18: Variance

In certain circumstances, a Variance from the dimensional requirements (i.e. height, setbacks, square footage) of this ordinance may be granted if the applicant can prove that because of physical constraints of the property involved, he is not able to build the same type of structure that other persons with the same zoning classification can build. Variances for uses permitted will not be considered in as much as “use Variances” are not legal in the State of Mississippi.

Most Variances must be granted by the City Council; however, certain minor Variances may be granted by the Economic Development Director in accordance with *Section 4.18.3* below.

4.18.1 Who May Initiate

A request for a Variance may be initiated by the property owner or agent of the owner provided that said property has not been denied a previous request for a Variance for the same property or portion of property within the past twelve (12) months.

4.18.2 Application for Variance

Applications for a Variance (from dimensional requirements) may be filed on the appropriate application available from the Economic Development/Planning Department and shall include all requested information, attachments and submittals:

4.18.3 Administrative Variances

The following dimensional variances may be granted by the Economic Development Director at his/her discretion (Note: Within the COR, Corridor Overlay District, applicants shall be required to mitigate a requested dimensional variance in accordance with the Tier Land Use Provisions in Section 5.11):

- A. 30% of required off-street parking spaces and/or
- B. 30% of required setbacks from property lines

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

- A. That special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels) or structures or buildings in the same district;
- B. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance;
- C. That the special conditions and circumstances do not result from actions of the applicant; and
- D. That granting the Variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other similar sites (lots or parcels) structures or buildings in the same district.

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets all "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the variance request as presented;
2. Recommend that City Council approve the variance request with changes; or
3. Recommend that City Council deny variance request.

Chairman Jamison asked the applicant to present her case.

Rachel Nilsen, Director of PROMISS, explained that they were an outreach ministry of churches throughout Jackson and George County and that all their support is from churches and individuals in the community. They are also a member agency of United Way. All their services are free. They have been in Gautier since 2006 when they purchased the property at 3001 Ladnier. They currently have a 1' x 1' sign with their logo but are wanting the larger sign, that would contain their phone number, so more people would be aware they were there. There is a large space on the building that would allow for a 6' x 3' sign. They are wanting a simple black and white sign that would be visible with their phone number. She said she had CupitSigns look at the property and they recommended a 6' x 3' sign that would fit on the wall to the left of the door.

Chairman Jamison asked if there was anyone present in support of the request. Quite a few people raised their hand but didn't necessarily want to speak. There were none in opposition.

Commissioner Hoover asked if the new sign would be illuminated at nighttime.

Ms. Nilsen said they had thought about a small spotlight at night.

Commissioner Hudson stated that a few years ago he noticed they had another sign there.

Ms. Nilsen said they did have a banner that they were bringing in and out, and also two yard sale size signs.

Commissioner Davis said there apparently were no problems with the banner sign other than it having not been approved. The new sign would be neater and more effective than the previous signs, and it would be on the building not in the yard.

ACTION TAKEN:

Chairman Jamison made a motion to recommend that the City Council approve the variance as presented.

Commissioner McManus seconded the motion, and the following vote was recorded:

AYES: Kay C. Jamison
Joshua Ward
DeAnna McManus
Maurice Hudson
Chris Hoover
William Davis

ABSENT: Ricky Decoteau

Motion passed.

NOTE: *Commissioner Ward, who was attending by phone, left the meeting sometime during item #4. Item #7 was heard first, therefore he was attending the meeting at the time Item #7 was heard and voted on.*

GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

Mr. Ankerson advised Commissioners that City Council approved GPC #24-14-SE, and GPC #24-16-RZ. The City Council denied GPC #24-13-CU for an RV at 3309 Gatti Place.

B. PERMIT & TRC REPORT

Mr. Ankerson presented the monthly reports from May 2024. June's monthly report was not complete and will be presented at the next meeting.

Chairman Jamison made a motion to adjourn the meeting.

Commissioner Hoover seconded the motion, and the following vote was recorded:

AYES: Kay C. Jamison
DeAnna McManus
Marcus Hudson
William Davis
Ricky Decoteau

ABSENT: Josh Ward
Chris Hoover

Motion Passed.

NOTE: *Commissioner Ward, who was attending by phone, left the meeting sometime during item #4.*

APPROVED BY:

Scott Ankerson
Planning Director/Building Official

DATE: _____

Kay C. Jamison, Chairman
Gautier Planning Commission

DATE: _____

BACKUP DOCUMENTATION

Gautier Planning Commission

Regular Meeting Agenda

July 11, 2024

GPC #24-17-VAR

5900 Brown Road

VII. NEW BUSINESS

1. Consider a request for a four hundred seventy-seven (477) square foot variance for a dwelling in an AG Agricultural Zoning District. 5900 Brown Road, (GPC #24-17-VAR)

**NOTE: This case was tabled at the June 6, 2024, meeting.*

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: May 28, 2024

Subject: Consider a request for a four hundred seventy-seven (477) square foot variance for a dwelling in an AG Agricultural Zoning District. 5900 Brown Road, (GPC #24-17-VAR)

REQUEST:

The Planning Department has received a request from Crystal Viera and Steven Brown for a four hundred seventy-seven (477) square foot variance for a dwelling in an AG Agricultural Zoning District at 5900 Brown Road, PID #82429350.000 (GPC #24-17-VAR). The application fee of \$175 was paid on April 15, 2024. All public notice requirements have been met.

BACKGROUND:

There currently is a house and a separate garage apartment on the property. The house was heavily damaged during Hurricane Katrina and is in the process of being demolished. The garage apartment was not damaged. The applicants would like to live in the garage apartment until they can build a new home. The apartment is 848 square feet. The garage area is 875 square feet and can also be converted into living space. In order to occupy the existing apartment, the applicants will need a 477 square foot variance. The Unified Development Ordinance (UDO) requires a minimum of 1325 square feet of living area in an AG Agricultural District.

DISCUSSION:

The applicants are asking for a 477 square foot variance to the minimum square footage for a dwelling in an AG Agricultural District. Although the house on the property was heavily damaged in Hurricane Katrina and is in the process of being demolished, the garage apartment on the property was not damaged. The applicants would like to live in the garage apartment until they can build a new home. The garage apartment has 848 square feet of living area. The Unified Development Ordinance (UDO) requires a minimum of 1325 square feet of living area in an AG Agricultural District. The applicants are requesting a 477 square foot variance.

DETERMINATION OF APPLICABLE LAW:

The Unified Development Ordinance (UDO) defines **Variances** as:

A Variance is a relaxation of the terms of the Unified Development Ordinance where such Variance will not be contrary to the public interest and where, owing

to conditions peculiar to the property, a literal enforcement of the Ordinance would result in an unnecessary or undue hardship. As used in this Ordinance, a Variance is authorized only for height, area and size of structure, or size of yards, separation of uses, open spaces, off-street parking spaces and some subdivision of property. The establishment or expansion of a use not permitted shall not be allowed by Variance.

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 - (a) for a purpose allowed in that zone (applicable to special exceptions), or
 - (b) as permitted by the dimensional requirements of this ordinance (applicable to variances);
- (2) that the plight of the owner is due to unique circumstances of the land for which the variance or special exception is sought; and
- (3) that the use to be authorized by the variance will not alter the essential character of the locality.

UDO SECTION 4.18: Variance

In certain circumstances, a Variance from the dimensional requirements (i.e. height, setbacks, square footage) of this ordinance may be granted if the applicant can prove that because of physical constraints of the property involved, he is not able to build the same type of structure that other persons with the same zoning classification can build. Variances for uses permitted will not be considered in as much as “use Variances” are not legal in the State of Mississippi.

Most Variances must be granted by the City Council; however, certain minor Variances may be granted by the Economic Development Director in accordance with *Section 4.18.3* below.

4.18.1 Who May Initiate

A request for a Variance may be initiated by the property owner or agent of the owner provided that said property has not been denied a previous request for a Variance for the same property or portion of property within the past twelve (12) months.

4.18.2 Application for Variance

Applications for a Variance (from dimensional requirements) may be filed on the appropriate application available from the Economic Development/Planning Department and shall include all requested information, attachments and submittals:

4.18.3 Administrative Variances

The following dimensional variances may be granted by the Economic Development Director at his/her discretion (Note: Within the COR, Corridor Overlay District, applicants shall be required to mitigate a requested dimensional variance in accordance with the Tier Land Use Provisions in Section 5.11):

- A. 30% of required off-street parking spaces and/or
- B. 30% of required setbacks from property lines

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

- A. That special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels) or structures or buildings in the same district;
- B. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance;
- C. That the special conditions and circumstances do not result from actions of the applicant; and
- D. That granting the Variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other similar sites (lots or parcels) structures or buildings in the same district.

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets all "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

- 1. Recommend that City Council approve the variance request as presented;
- 2. Recommend that City Council approve the variance request with changes; or
- 3. Recommend that City Council deny variance request.

ATTACHMENTS:

- 1. Applicant's Exhibit 1 – Application
- 2. City's Exhibit A – Location Map
- 3. City's Exhibit B – Existing Zoning Map
- 4. City's Exhibit C – Existing Land Use Map
- 5. City's Exhibit D – Future Land Use Map

GAUTIER, MISSISSIPPI

PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

24-17-VAR

TO BE HEARD BY GAUTIER PLANNING COMMISSION:

FEE:

Variance

\$176.00

*Includes \$1.00 filing fee per MS Code §25-60-5

Name of Applicant:

Crystal Viera - Steven Brown

Name of Business:

Phone:

803-904-9890

Property Address:

5900 BROWN Rd

Mailing Address (if Different):

11310 HAZEL bounded rd
Vandenberg MS 39565

E-Mail Address:

CrystalViera36@gmail.com

Reason for request, location and intended use of Property:

Home Variance 477 sq ft

in AG

ATTACHMENTS REQUIRED AS APPLICABLE:

- ☒ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- ☒ 2. A detailed project narrative.
- ☒ 3. Copy of protective covenants or deed restrictions, if any.
- ☐ 4. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- ☐ 5. Any other information requested by the Planning Director.

Signature of Applicant:

Crystal Viera / Steven Brown

Date of Application:

05-16-24

FOR OFFICE USE ONLY

Date Received

4/15/24

Verify as Complete

Babs

Fee Amount Received

176.00

Initials of Employee Receiving Application

Babs

Pol. #251.00 for SE
Refund \$15

VARIANCE

Criteria for Approval

1. What special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels), or structures or buildings in the same district?

House destroyed during Hurricane
Apartment garage still existing

2. Are these special conditions and circumstances a result of your actions? Explain.

No

3. How will the literal interpretation of the provisions of this Ordinance deprive you of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance? Explain.

garage apartment still existing
and undamaged

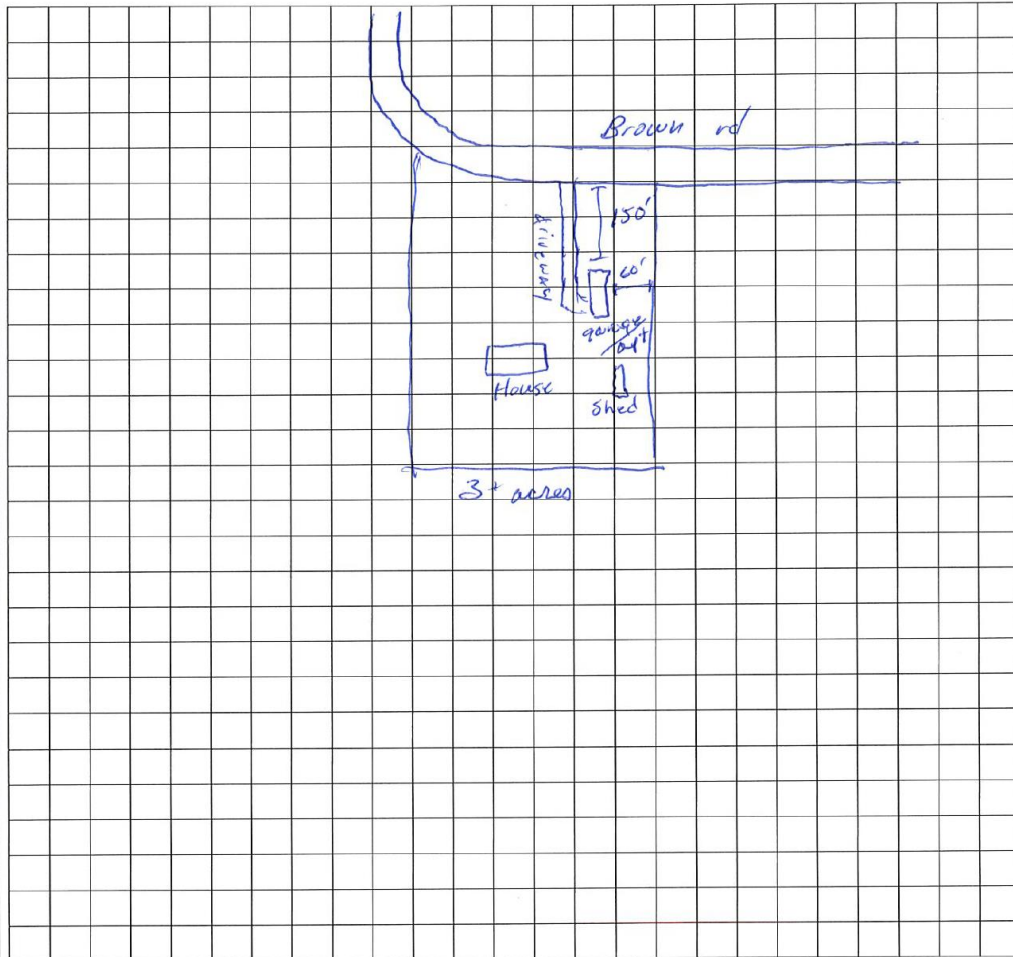
4. Will the granting of the Variance requested confer upon you any special privilege that is denied by this Ordinance to other similar sites (lots or parcels), structures or buildings in the same district? Explain.

No

NARRATIVE

Property is 3+ acres with house and 3 car garage apartment above garage. Property is fenced in. House is in the process of being demolished due to damage by Katrina, garage is intact and was not affected. We would like to get temporary power for apartment and what necessary needs to clear & cleanup until we rebuild our future home, also the garage can be converted into temporary living space. Apartment is 845 sq. ft. garage is 875 sq. ft. We are hoping to accomplish this project within 2 months, approximately 8-31-24

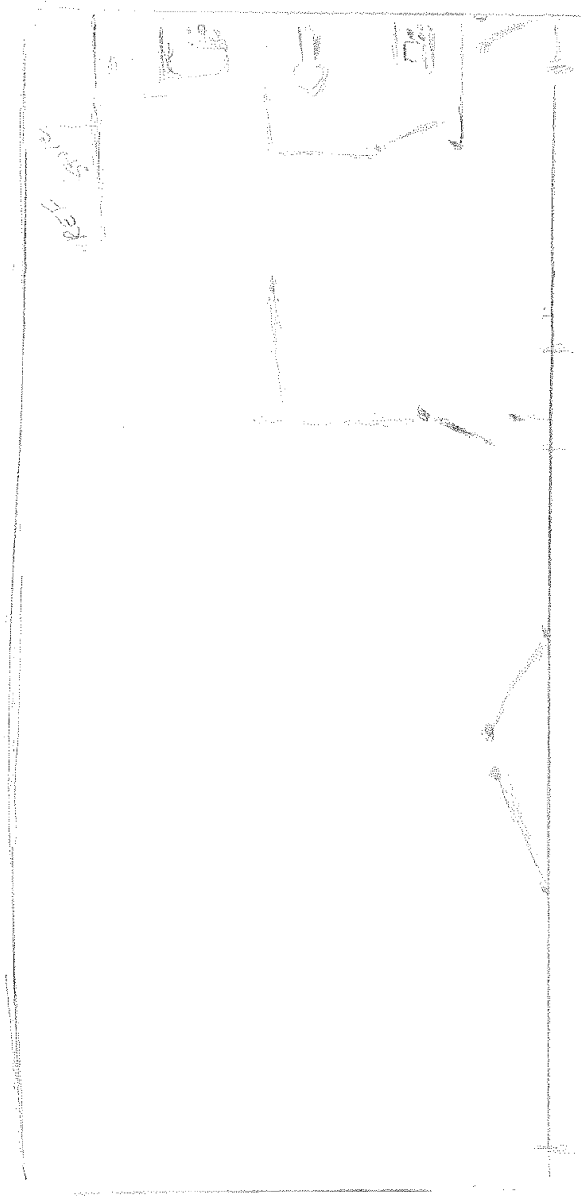
DIAGRAM





848 sq Ft.
existing apt.

875 sq Ft.





INDEXING INSTRUCTIONS: Section 29, T7S, R7W (3 acres +/-)

Prepared By:
Andy J. Alfonso, III
Attorney at Law
2112 Bienville Blvd., Suite H1
Ocean Springs, MS 39564
(228) 818-5552

Return to:
Andy J. Alfonso, III
Attorney at Law
2112 Bienville Blvd., Suite H1
Ocean Springs, MS 39564
(228) 818-5552

STATE OF MISSISSIPPI
COUNTY OF JACKSON

WARRANTY DEED

FOR AND CONSIDERATION of the sum of TEN AND NO/100 DOLLARS (\$10.00), cash in hand paid and other good, legal and valuable considerations, the receipt of all of which is hereby acknowledged, the undersigned

Janet L. Shaw
174 Deakins Rd., Jonesobough, TN 37659
c/o (228) 818-5552

does hereby sell, convey and warrant unto

Steven L. Brown and Crystal Viera
11310 Hazel Bounds Rd., Vancleave, MS 39553
c/o (228) 818-5552

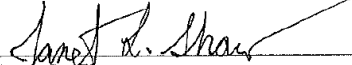
as joint tenants with full right of survivorship and not as tenants in common the land and property situated in the County of Jackson, State of Mississippi, described as follows, to-wit:

SEE EXHIBIT "A"

THIS CONVEYANCE is made subject to all applicable building restrictions, restrictive covenants, easements and mineral reservations of record.

IT IS AGREED and understood that the taxes for the current year have been prorated as of this date on an estimated basis. When said taxes are actually determined, if the proration as of this date is incorrect, the Grantor agrees to pay to the Grantee or his/her assigns any amount which is a deficit on an actual proration and likewise, the Grantee agrees to pay to the Grantor any amount overpaid by the Grantor.

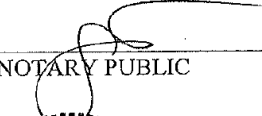
WITNESS THE SIGNATURE of the Grantor, this the 5th day of April, 2024.


Janet L. Shaw

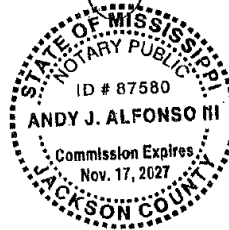
STATE OF MISSISSIPPI
COUNTY OF JACKSON

PERSONALLY appeared before me, the undersigned authority in and for the said county and state on this 5th day of April, 2024, within my jurisdiction, the within named Janet L. Shaw, who acknowledged that she executed the above and foregoing instrument.

GIVEN under my hand and the official seal of my office.


NOTARY PUBLIC

File #240175



DECLARATION OF ACCEPTANCE

PROPERTY ADDRESS: 5900 Brown Road
Gautier, MS, 39553

All warranties and statements, expressed or implied, as to property condition, financing terms, and all representations of all parties, including seller, buyer, and cooperating brokers, contained in the Contract for Sale and Purchase of Real Estate have been complied with to our satisfaction. The structure(s) on this property are not habitable, and they are dangerous. Purchasers and sellers absolve all parties to this transaction including but not limited to each other, the agent and broker, closing attorney and staff from any injuries or damages incurred by themselves, their property or guests related to any and all structures on this property above or below ground level.

We, the undersigned, do hereby declare that without any reservations we hereby accept the property as to the condition of the house, other improvements, fixtures and equipment, decoration, suitability and readiness for use as our home, as well as financing terms, and all other representations of buyers and sellers and cooperating brokers, and any other statements or representations contained in the contract or any addendum attached hereto. We do further declare that the consideration paid is acceptable to us, and that we understand that market conditions change, and that property values therefore change, and that we release Sellers, Sellers' Agents, and any Broker in this transaction from any responsibility resulting from changes in market conditions.

We understand that with the acceptance of the Deed, the Sellers will have no further responsibility or liability for any repairs to the property. Buyers and Sellers hold harmless the cooperating brokers for any representations, both expressed and implied, in the aforementioned contract or in any other form, not thus merged in the Deed.

Steven Brown 4/5/24
BUYER DATE

Janet Shaw 04/05/24
SELLER DATE

Crystal Viera 04-05-24
BUYER DATE

SELLER DATE

LIMITED POWER OF ATTORNEY

For and in consideration of the closing of the real estate transaction for property located at 5900 Brown Road, Gautier, MS 39553, the undersigned, hereby grants, Andy J. Alfonso, III, Attorney at Law, as settlement agent, limited power of attorney to correct and/or execute or initial all of the closing documentation required to be executed by the undersigned at settlement including, but not limited to, the correction and/or execution and/or initialing of closing statements, notes, deeds of trusts, deeds, affidavits, legal descriptions and any and all other closing documents required by the lender or for the closing of this real estate transaction. The Borrower also specifically grants the settlement agent the authority to execute corrections including, but not limited to, the Deed of Trust in connection with the loan closing and/or any confirmatory Deed of Trust necessary in connection with this closing. The Seller also specifically grants the settlement agent the authority to execute corrective instruments including but not limited to any deed of conveyance associated with the transaction herein described, or future instruments as relate to the condition of the property.

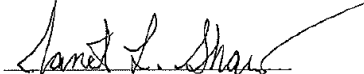
THIS LIMITED POWER OF ATTORNEY MAY NOT BE USED TO INCREASE THE INTEREST RATE THE UNDERSIGNED IS PAYING, INCREASE THE TERM OF THE UNDERSIGNED'S LOAN, INCREASE THE UNDERSIGNED'S OUTSTANDING PRINCIPAL BALANCE OR INCREASE THE UNDERSIGNED'S MONTHLY PRINCIPAL AND INTEREST PAYMENTS. Any of these specified changes must be executed directly by the undersigned.

This Limited Power of Attorney may not be revoked and shall not be affected by the subsequent disability or incompetence of the Principal.

IN WITNESS WHEREOF, the undersigned have executed this Limited Power of Attorney on this the 5th day of April, 2024.


Steven L. Brown


Crystal Viera


Janet L. Shaw

STATE OF MISSISSIPPI
COUNTY OF JACKSON

Personally appeared before me, the undersigned authority in and for the said county and state, on this 5th day of April, 2024, within my jurisdiction, the within named Steven L. Brown, Crystal Viera, and Janet L. Shaw who acknowledged that they executed and delivered the above and foregoing instrument.

WITNESS OUR SIGNATURES AND OFFICIAL SEAL OF OFFICE, this 5th day of April, 2024.

NOTARY PUBLIC



OMB Approval No. 2502-0265

A. Settlement Statement (HUD-1)

B. Type of Loan					
1. ☐ FHA	2. ☐ RHS	3. ☐ Conv. Unins.	6. File Number 240175	7. Loan Number	8. Mortgage Insurance Case Number
4. ☐ VA	5. ☐ Conv. Ins.				
C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for information purposes and are not included in the totals.					
D. Name and Address of Borrower Steven L. Brown Crystal Viera 11310 Hazel Bounds Rd. Vandave, MS 39553		E. Name and Address of Seller Janet L. Shaw 174 Deakins Rd. Jonesbough, TN 37659		F. Name and Address of Lender	
G. Property Location 5900 Brown Road Gaulier, MS 39553			H. Settlement Agent ((228) 818-5552) Andy J. Alfonso, III, Attorney at Law 2112 Blenville Blvd, H1, Ocean Springs, MS 39564		
			I. Settlement Date 04/05/2024		
J. SUMMARY OF BORROWER'S TRANSACTION:			K. SUMMARY OF SELLER'S TRANSACTION:		
100. GROSS AMOUNT DUE FROM BORROWER			400. GROSS AMOUNT DUE TO SELLER		
101. Contract sales price 70,000.00			401. Contract sales price 70,000.00		
102. Personal property			402. Personal property		
103. Settlement charges to borrower (line 1400) 979.00			403.		
104.			404.		
105.			405.		
Adjustments for items paid by seller in advance			Adjustments for items paid by seller in advance		
106. City/town taxes to			406. City/town taxes to		
107. County taxes to			407. County taxes to		
108. Assessments to			408. Assessments to		
109.			409.		
110.			410.		
111.			411.		
112.			412.		
120. GROSS AMOUNT DUE FROM BORROWER 70,979.00			420. GROSS AMOUNT DUE TO SELLER 70,000.00		
200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER			500. REDUCTIONS IN AMOUNT TO SELLER		
201. Deposit or earnest money 1,000.00			501. Excess Deposit (see instructions)		
202. Principal amount of new loan(s)			502. Settlement charges to seller (line 1400) 4,900.00		
203. Existing loan(s) taken subject to			503. Existing loans taken subject to		
204.			504. Payoff of first mortgage loan		
205.			505. Payoff of second mortgage loan		
206.			506.		
207.			507. Deposit being disbursed as proceeds (1,000.00)		
208.			508.		
209.			509.		
Adjustments for items unpaid by seller			Adjustments for items unpaid by seller		
210. City/town taxes to			510. City/town taxes to		
211. County taxes 01/01/2024 to 04/05/2024 366.84			511. County taxes 01/01/2024 to 04/05/2024 366.84		
212. Assessments to			512. Assessments to		
213.			513.		
214.			514.		
215.			515.		
216.			516.		
217.			517.		
218.			518.		
219.			519.		
220. TOTAL PAID BY / FOR BORROWER 1,366.84			520. TOTAL REDUCTION AMOUNT DUE SELLER 5,258.84		
300. CASH AT SETTLEMENT FROM OR TO BORROWER			600. CASH AT SETTLEMENT TO OR FROM SELLER		
301. Gross amount due from borrower (line 120) 70,979.00			601. Gross amount due to seller (line 420) 70,000.00		
302. Less amounts paid by/for borrower (line 220) 1,366.84			602. Less reduction amount due to seller (line 520) 5,258.84		
303. CASH FROM BORROWER 69,612.16			603. CASH TO SELLER 64,741.16		

SUBSTITUTE FORM 1099 SELLER STATEMENT: The information contained herein is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction will be imposed on you if this item is required to be reported and the IRS determines that it has not been reported. The Contract Sales Price described on Line 401 above constitutes the Gross Proceeds of this transaction.

SELLER INSTRUCTIONS: To determine if you have to report the sale or exchange of your primary residence on your tax return, see the Schedule D (Form 1040) instructions. If the real estate was not your primary residence, complete the applicable parts of Form 4797, Form 6252, and for Schedule D (Form 1040).

TIN#

Janet L. Shaw
Janet L. Shaw

L. SETTLEMENT CHARGES:		File Number: 240175		
700. Total Real Estate Broker Fees	4,900.00			
Division of commission (line 700) as follows:				
701. \$	4,900.00	to Coldwell Banker Alfonso Realty		
702. \$		to		
703. Commission paid at Settlement				4,900.00
704.				
705.				
800. Items Payable in Connection with Loan		P.O.C.		
801. Our origination charge	\$	(from GFE#1)		
802. Your credit or charge (points) for the specific interest rate chosen	\$	(from GFE#2)		
803. Your adjusted origination charges		(from GFE A)		
804. Appraisal fee		(from GFE#3)		
805. Credit report		(from GFE#3)		
806. Tax service		(from GFE#3)		
807. Flood certification		(from GFE#3)		
808.				
809.				
810.				
811.				
812.				
813.				
814.				
900. Items Required by Lender to Be Paid in Advance				
901. Daily interest charges	from to @ \$ iday	(from GFE#10)		
902. Mortgage insurance premium	for to	(from GFE#3)		
903. Homeowner's insurance	for to	(from GFE#11)		
904. Flood Insurance Premium				
905. Windstorm Insurance Premium				
1000. Reserves Deposited with Lender				
1001. Initial deposit for your escrow account		(from GFE#9)		
1002. Homeowner's insurance	mo. @ \$ per mo. \$			
1003. Mortgage insurance	mo. @ \$ per mo. \$			
1004. City property taxes	mo. @ \$ per mo. \$			
1005. County property taxes	mo. @ \$ per mo. \$			
1006. Annual Assessments	mo. @ \$ per mo. \$			
1007.	mo. @ \$ per mo. \$			
1008.	mo. @ \$ per mo. \$			
1009. Aggregate Adjustment	\$			
1100. Title Charges	SECURITY TITLE EXP OWN/STD LOAN 2010-03-01			
1101. Title services and lender's title insurance		(from GFE#4)	350.00	
1102. Settlement or closing fee	Andy J. Alfonso, III, Attorney at Law \$ 350.00	(from GFE#4)		
1103. Owner's title insurance	Andy J. Alfonso, III, Attorney at Law/Se	(from GFE#5)	308.00	
1104. Lender's title insurance				
1105. Lender's title policy limit				
1106. Owner's title policy limit	70,000.00 --- 308.00			
1107. Agent's portion of the total title insurance premium	Andy J. Alfonso, III, Attorney at Law \$ 248.40			
1108. Underwriter's portion of the total title insurance premium	Security Title Guarantee Corp. of Baltimore \$ 61.60			
1109. Title Search/Abstract	Andy J. Alfonso, III, Attorney at Law	(from GFE#4)	290.00	
1110. Overnight/Wiring	Andy J. Alfonso, III, Attorney at Law	(from GFE#4)		
1111. IDPL Fee	Security Title Guarantee of Baltimore	(from GFE#4)		
1112.				
1113.				
1200. Government Recording and Transfer Charges				
1201. Government recording charges		(from GFE#7)	31.00	
1202. Deed \$ 31.00 Mortgage \$ Releases \$				
1203. Transfer taxes		(from GFE#8)		
1204. City/county tax/stamps Deed \$ Mortgage \$				
1205. State tax/stamps Deed \$ Mortgage \$				
1206.				
1207.				
1208.				
1300. Additional Settlement Charges				
1301. Required services that you can shop for		(from GFE#6)		
1302. Pest Inspection				
1303.				
1304.				
1305.				
1306.				
1307.				
1308.				
1400. Total Settlement Charges (enter on lines 103, Section J and 502, Section K)			979.00	4,900.00

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in the transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.

Steven Brown
 Steven L. Brown
 Crystal Vires

Janet L. Shaw
 Janet L. Shaw

The HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

Andy J. Alfonso, III
 Andy J. Alfonso, III, Attorney at Law

DATE

4/5/24

82429350.000 SHAW JANET L

PIDN: 82429350.000
GISP: 779.29-00-0044.00

Owner Information

Percent of Ownership: 100
Name: SHAW JANET L
Name 2:
Mailing Address: 16912 EMILY CAULEY RD
MOSS POINT MS
39562

Site Address: 5900 BROWN RD GAUTIER

Land Information

Section: 29 Acreage: 3
Township: 7
Range: 7
Street Name BROWN
RD

Value and Tax Information

Total Assessed Value: 8940	Total Appraised Value: 59596
Improvement Value: 30626	Land Value: 28970
Tax Amount: 1322	SQ FT: 1226 Year Built: 1970

Legal Description

Description: COM NE COR NE1/4 NW1/4 S 330' TO
POB W 544' S 240' E 544' N 240'
TO POB SEC 29-7-7 DB 936-109 (4
4 Map779.29)

Deed Book / Page: 936 / 109

82429350.000 SHAW JANET L

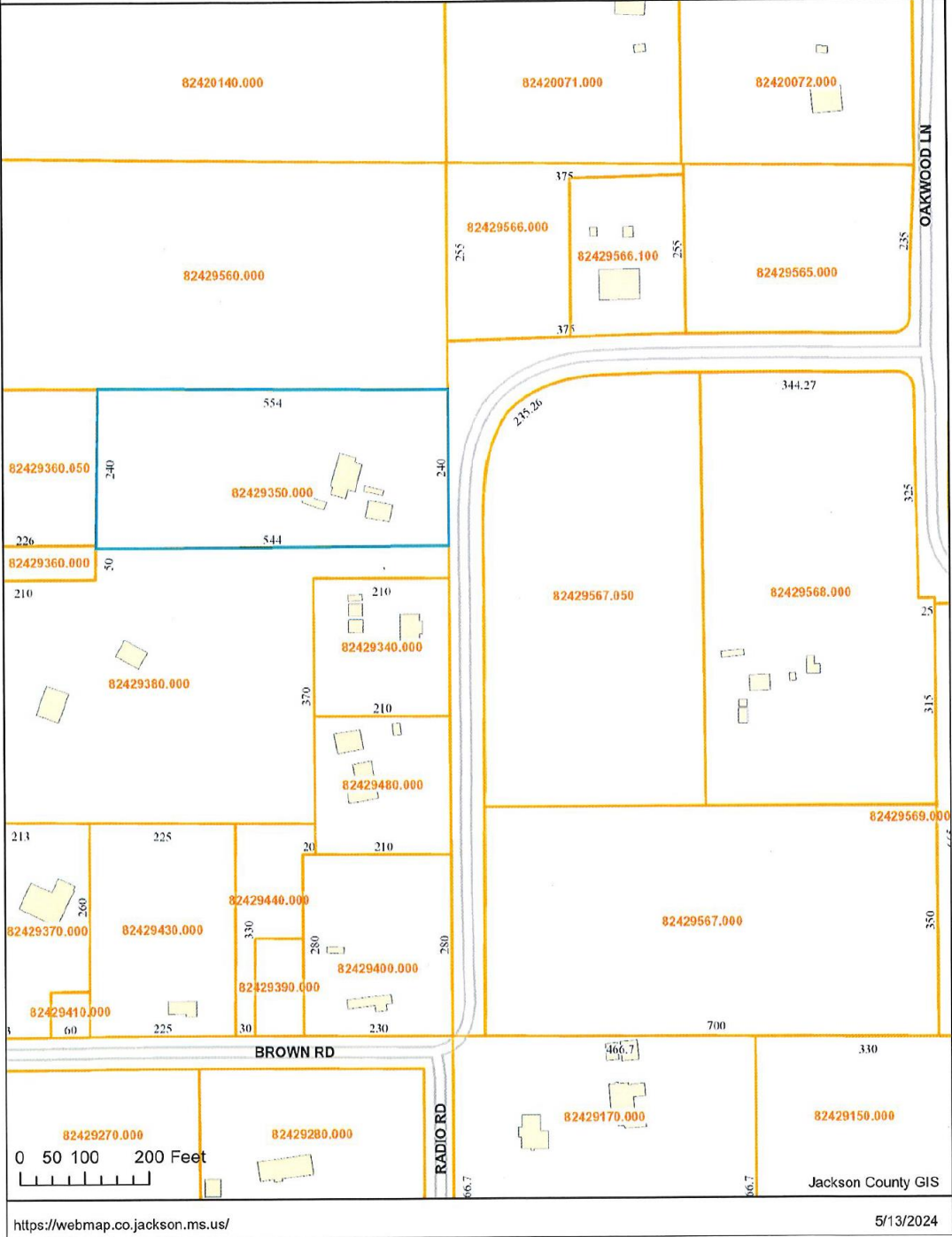


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

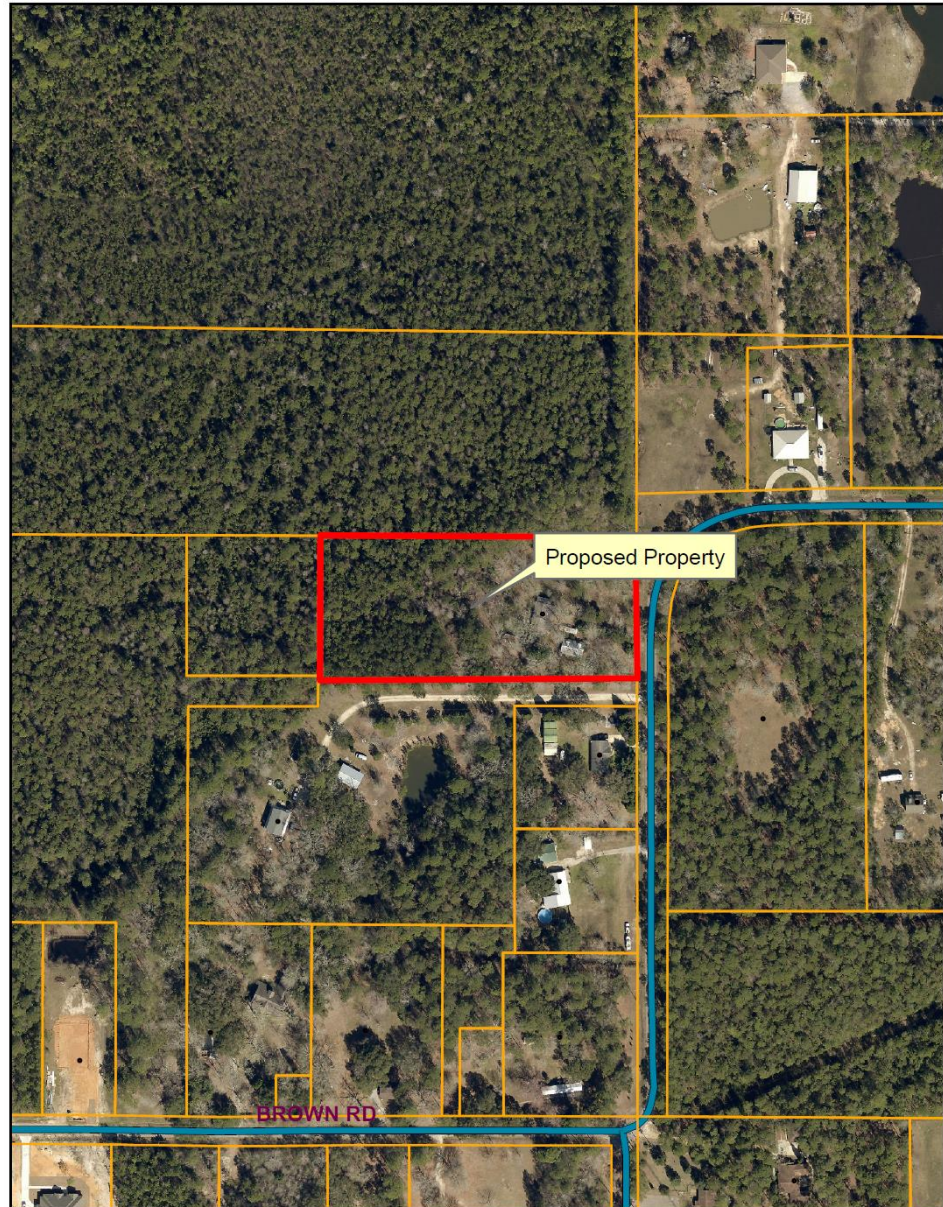


Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

	AG
	C-1
	C-2
	C-3
	I-2
	MURC-1
	MURC-2
	MURC-MW
	PL
	PUD
	R-1
	R-2
	R-3
	RE
	TC

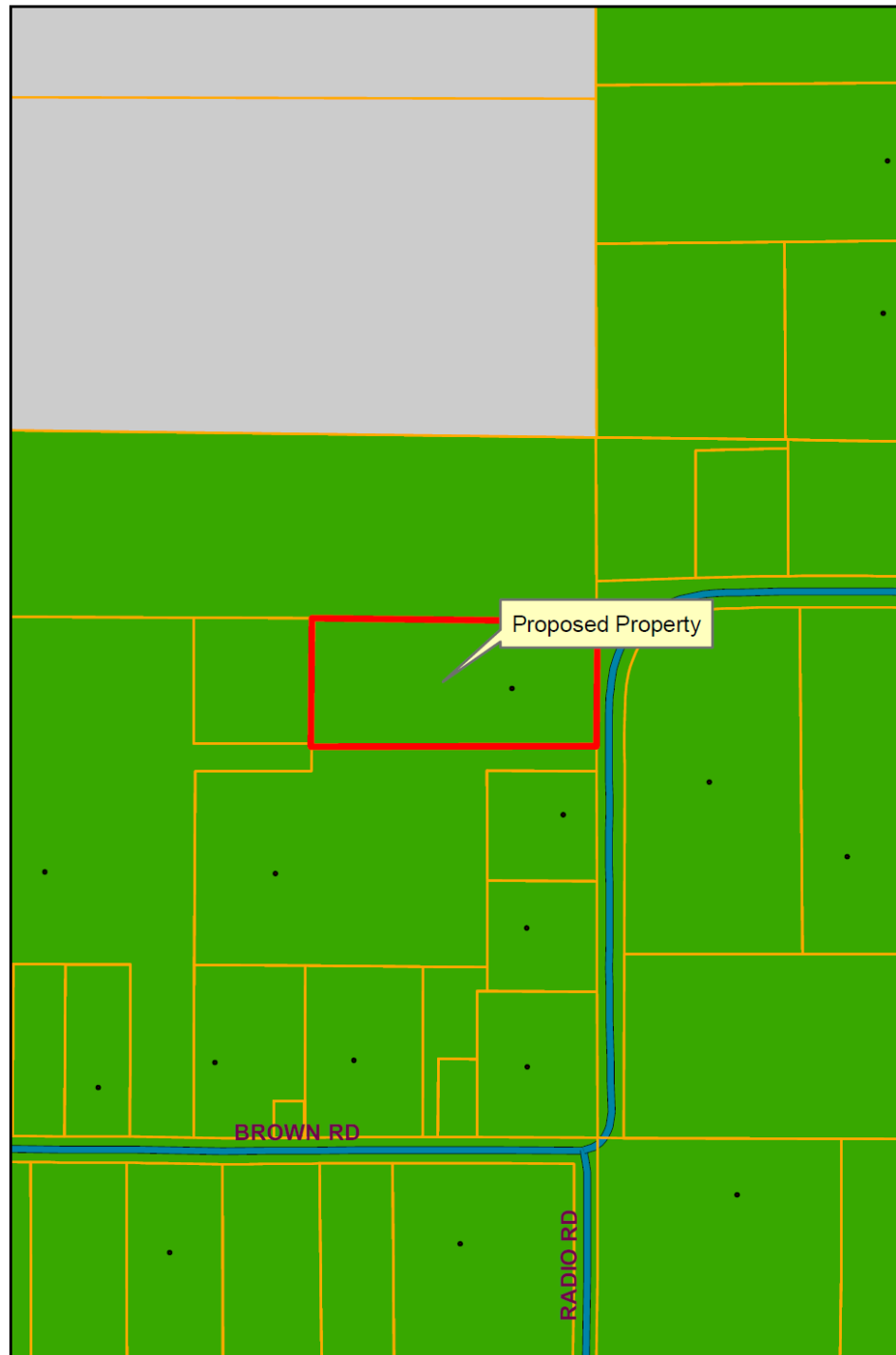


Exhibit C

Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

- commercial-retail
- conservation
- civic
- industrial
- marina/fish camps
- high density residential
- mobile home
- mobile home park
- medium density residential
- office
- recreation
- very low to low density residential
- utility
- vacant

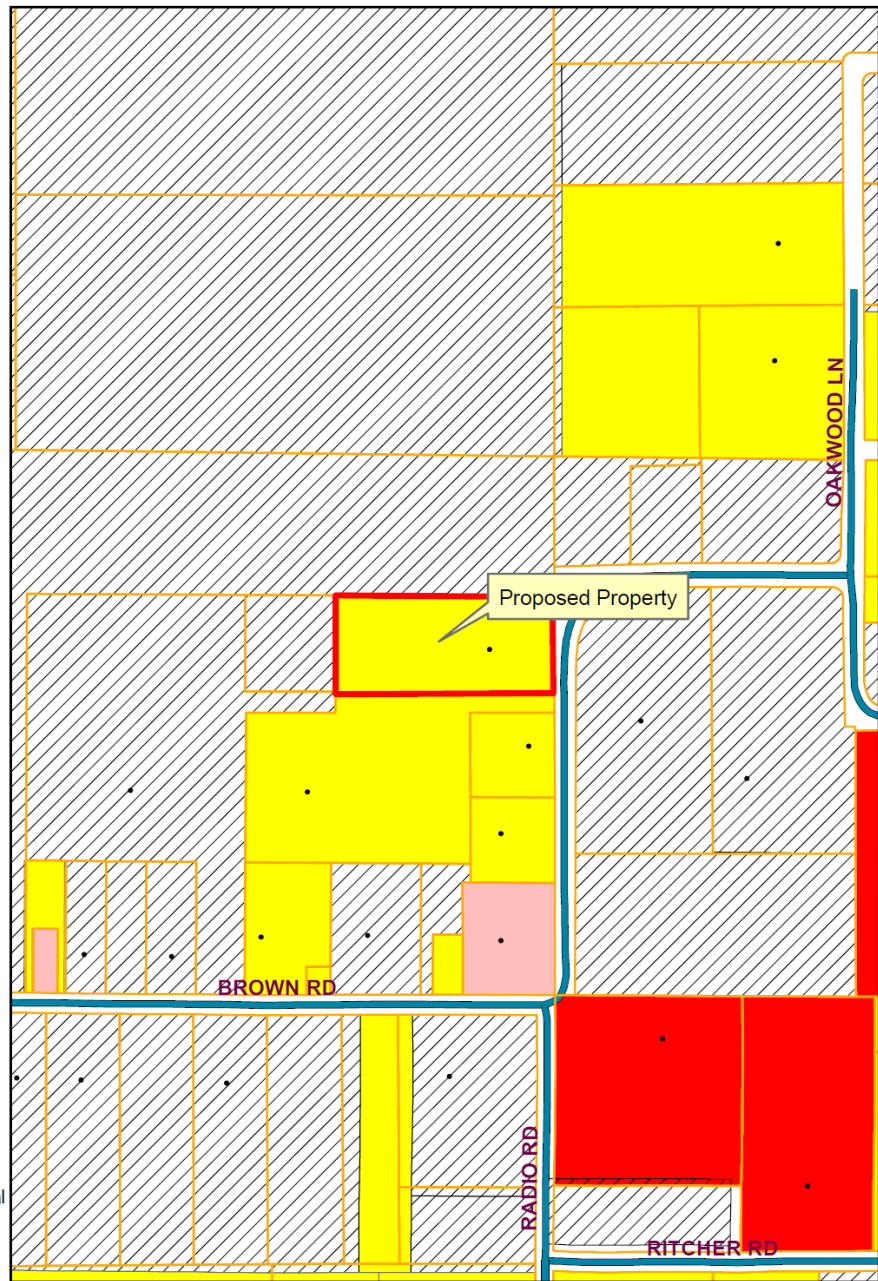


Exhibit D

Future Land-Use

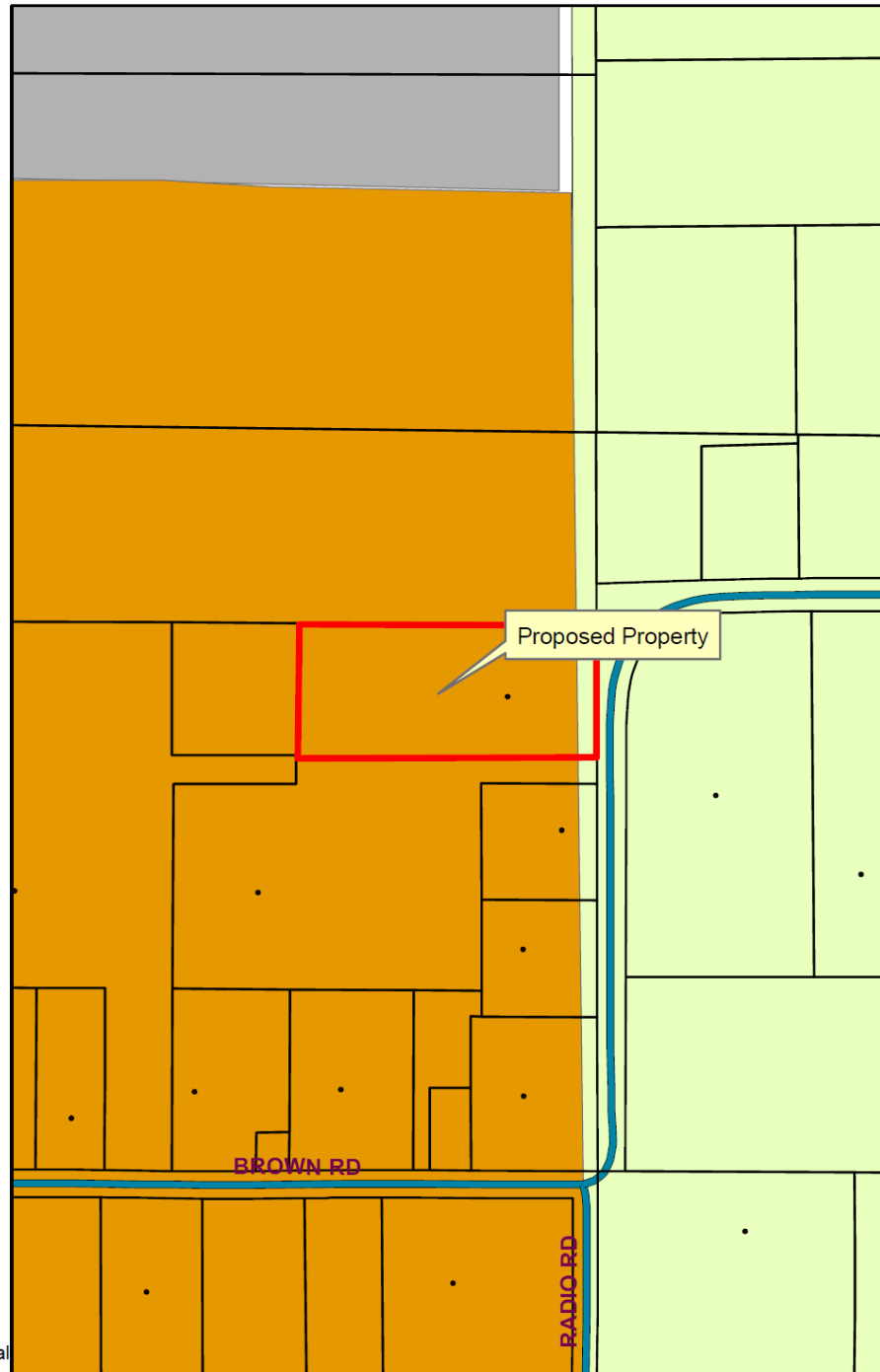
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

- 
-  Civic
-  high impact commercial
-  Conservation
-  High Density Residential
-  Industrial
-  Low Density Residential
-  Medium Density Residential
-  Mobile Home Residential
-  low impact Commercial
-  Recreational
-  recreational commercial
-  Regional Scale Commercial
-  mixed use residential
-  Town Center
-  Very Low Density Residential



Gautier Planning Commission

Regular Meeting Agenda

July 11, 2024

GPC #24-20-SE

Fernando Rodriguez

2132 Dailey Road

VII. NEW BUSINESS

2. Consider a request for a Special Exception that would allow a mobile home in a R-1 Low Density Single-Family Residential Zoning District. 2132 Dailey Road, (GPC #24-20-SE)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: July 2, 2024

Subject: Consider a request for a Special Exception that would allow a mobile home in a R-1 Low Density Single-Family Residential Zoning District, 2132 Dailey Road. (GPC #24-20-SE)

REQUEST:

The Planning Department has received a request from Fernando Rodriguez for a Special Exception that would allow a mobile home in a R-1 Low Density Single-Family Residential Zoning District at 2132 Dailey Road, PID #85700145.000 (GPC #24-20-SE). The application fee of \$250 was paid on May 3, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned R-1 Low Density Single-Family Residential.

1. Location: 2132 Dailey Road, PID #85700145.000 (See Exhibit A)
2. General features of the proposed project:
 - Lot Size: 0.34 acres
 - Existing mobile home on property
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): R-1 Low Density Single-Family Residential
5. Current Surrounding Zoning (See Exhibit B): R-1 Low Density Single-Family Residential
6. Current Surrounding Existing Land Use (See Exhibit C): Residential, Vacant, Mobile Homes
7. Comprehensive Plan Future Land Use Designation (See Exhibit D) Medium Density Residential
8. Comprehensive Plan Future Land Use Designation (See Exhibit D): Medium Density Residential.

DISCUSSION:

The following addresses the review criteria for a Special Exception outlined in Section 4.16.4 of the UDO.

1. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant?

Applicant Response: *I got the property using all my savings with the intention to set my mother in a free and clear of worries environment in the City of Gautier,*

Staff Finding: *There are currently other Mobile Homes existing in the immediate area in the same zoning district.*

2. Explain how the requested Special Exception will be in harmony with the purpose of the City of Gautier's Unified Development Ordinance and will not be injurious to the neighborhood or the general welfare?

Applicant Response: *By allowing my mobile home to stay on the property would not affect any neighbors at all. Seems like many of the homes nearby are mobile homes as well.*

Staff Finding: *Future Land Use designation is Medium Density Residential.*

3. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant.

Applicant Response: *I am not sure how to respond to that. I did get the property not knowing much about it.*

Staff Finding: *Unsubstantiated*

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines a Special Exception as a relaxation of the terms of the Unified Development Ordinance where such an exception will not be contrary to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the ordinance would result in undue hardship. Special Exceptions are necessary when an applicant seeks to establish or expand a use not ordinarily permitted in a specific zoning district. "Special Exceptions" are not transferable from one (1) owner of land to another.
2. Special Exception requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).
3. Once an application for a Special Exception is submitted to the Planning Department, the procedures outlined in UDO Section 4.14.1 will be followed.

At the appropriate time, The Planning Commission will conduct a public hearing to determine whether the applicant meets all relevant criteria, and make a recommendation to City Council pursuant to UDO Section 4.14.4. City Council, pursuant to UDO Section 4.14.4(C), will then consider the matter at its next regularly scheduled meeting and approve or deny the Special Exception.

4. A Special Exception is required for uses not ordinarily permitted in a specific zoning district. Special Exceptions are not permitted by right, and may only be granted when certain criteria are established. (4.16.4)
5. Special Exceptions do not run with the land, and may be revoked by the Planning Department if any of the following circumstances are discovered:
 - A. The property changes ownership
 - B. The property is being utilized in a manner not permitted under the zoning regulations or the special exception; or
 - C. The property ceases to be used for the purpose allowed in the Special Exception for a period of one hundred eighty (180) days during the existence of the Special Exception.

The UDO defines **Hardship** as:

Hardship means the unnecessary hardship that would result from a failure to grant the requested variance or special exception. An unnecessary hardship exists if:
(1) the land in question cannot yield a reasonable return if used only
(a) for a purpose allowed in that zone (applicable to special exceptions), or
(b) as permitted by the dimensional requirements of this ordinance (applicable to variances);

(2) that the plight of the owner is due to unique circumstances of the land for which the variance or special exception is sought; and
(3) that the use to be authorized by the variance will not alter the essential character of the locality.

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets the "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the Special Exception;
2. Recommend that City Council approve the Special Exception with changes; or
3. Recommend that City Council deny the Special Exception.

ATTACHMENTS:

1. Applicant's Exhibit 1 – Application
2. City's Exhibit A – Location Map
3. City's Exhibit B – Existing Zoning Map
4. City's Exhibit C – Existing Land Use Map
5. City's Exhibit D – Future Land Use Map

PLANNING DEPARTMENT
GAUTIER, MISSISSIPPI

SPECIAL EXCEPTION HEARING APPLICATION

Public Hearing Number

24-20-SE

TYPE OF REQUEST:

Special Exception

FEE:

\$251.00

*Includes \$1.00 filing fee per MS Code §25-60-5

Special Exception— These uses are not allowed by right and **require** a recommendation by the Planning Commission and approval of the City Council.

Name of Applicant: Fernando Rodriguez

Name of Business: _____

Address: 2132 Dailey Rd Gautier Ms

Mailing Address (if different): 369 West Dr Biloxi Ms 39531

Email Address: Fernando Alameda23@gmail.com

Phone: 228 365 2536 Cell Phone: 228-365-2536

Reason for request, location and intended use of Property: I Bought the place to fix it and give it to my mother

ATTACHMENTS REQUIRED AS APPLICABLE: For my Mother to live in Mobile Home on R1 Property

- _____ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- ✓ 2. Legal descriptions and street address.
- ③ 3. A detailed project narrative that also addresses the questions on the "Criteria for Approval" page of this application.
- NA 4. Copy of protective covenants or deed restrictions, if any.
- NA 5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- _____ 6. Any other information requested by the Planning Director.
- MA 7. Owner's Consent form if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant: [Signature]

FOR OFFICE USE ONLY

Date Received 5/13/24 Verify as Complete Bals

Fee Amount Received 251.00

Initials of Employee Receiving Application Bdr

SPECIAL EXCEPTION

Criteria for Approval Special Exception

- A. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant?
- B. Explain how the requested Special Exception will be in harmony with the purpose and intent of the City of Gautier's Unified Development Ordinance and will not be injurious to the neighborhood or the general welfare?
- C. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant?

(Re.) A: I got the Property using all my Savings with the intention to set my mother in a Free and Clear of worries environment in the City of Gautier

(Re.) B: By allowing my mobile Home to stay in the property wouldn't affect any Neighbors at all, seems like many of the Homes Near by are Mobile Homes as well.

(Re.) C: ~~I Am~~ Not Sure How to respond to that I did get the property Not ~~but~~ Knowing much about it.

Addie Bang

From: Fernando Alameda <fernandoalameda23@gmail.com>
Sent: Tuesday, July 2, 2024 11:59 AM
To: Addie Bang
Subject: Fwd: Dailey rd
Attachments: 2024-07-01 19-42.pdf

----- Forwarded message -----

From: **Fernando Alameda** <fernandoalameda23@gmail.com>
Date: Tue, Jul 2, 2024 at 11:51 AM
Subject: Dailey rd
To: <Blogan@gautier-ms.gov>

When I bought this property was only with the intention of setting my mom free of rent and we didn't know at the time that the mobile home was not allowed
We would love to be able to keep it in the property to be able to fulfill the intention.

RECEIVED
JUL 25 2023

MISSISSIPPI DEPARTMENT OF REVENUE
JACKSON, MISSISSIPPI 39201
Due to County Recorred
REC. CHARGE FEE: \$ 15.00
MINERAL TAX: \$0.00
202314345
BK 2131 PG 262 - 264
07/25/2023 12:28:34 PM 3 PG(s)
Receipt # 10547

PREPARED BY AND RETURN TO:
NICHOLAS R. MCDERMOTT (228)
PAGE, MANNING, MCDERMOTT & MCDERMOTT, P.L.L.C.
788 HOWARD AVENUE
BILOXI, MS 39530
(228)574-3188
STATE OF MISSISSIPPI
COUNTY OF JACKSON

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten and no/100 Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the undersigned,

WILLIAM G. SOLLER, JR. and BRITTANY R. OGLE
Post Office Box 303
Cosby, TN 37722
(423)255-6781

do hereby sell, convey and warrant unto

ALAMEDA RODRIGUEZ FERNANDO
389 West Drive
Biloxi, MS 39531
(228)365-2536

the following described real property, together with all improvements thereon, located in Jackson County, State of Mississippi, more particularly and certainly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

INDEXING INSTRUCTIONS: North margin of Dally Road at the SE corner of Lot 23, DELLWOOD HEIGHTS SUBDIVISION; part of Lot 5 James Martin Heirs Estates

This conveyance is subject to all restrictions, reservations, easements affecting said property on file and of record in the Office of the Chancery Clerk of Jackson County, Mississippi.

Ad valorem taxes for the current tax year have been prorated between the parties hereto and the obligation to pay same is assumed by the Grantee herein, who will pay same when due.

WITNESSES and signatories on this the 17th of July, 2023


William O. Soller, Jr.

Brittany R. Gole

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this the 17th of July 2023, the within named WILLIAM O. SOLLER, JR. and BRITTANY R. GOLE, who acknowledged that they executed and delivered the above and foregoing instrument.

(S) (A) (S)


Notary Public

My Commission Expires

9-29-2023

File No: ACR445

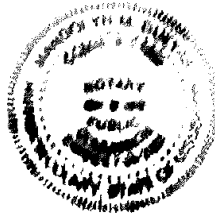


EXHIBIT "A"
LEGAL DESCRIPTION

Commencing on the North margin of Dailey Road at the SE corner of Lot 23 DELLWOOD HEIGHTS SUBDIVISION, as per plat thereof recorded in Plat Book 3, Page 37 in the Office of the Chancery Clerk of Jackson County, Mississippi, thence East along said North margin, a distance of 615.40 feet to the Point of Beginning, thence continuing East along said North margin of Dailey Road a distance of 75.00 feet, thence North, a distance of 195 feet, thence West a distance of 75.00 feet, thence South a distance of 195.00 feet to the Point of Beginning.

This being the same as that conveyed to Maurice Gregory by instrument dated August 18, 1998, recorded in Deed Book 1150, Page 484, Land Deed Records of Jackson County, Mississippi.

85700145.000 SOLLER WILLIAM

PIDN: 85700145.000

GISP: 771.12-02-0011.00

Owner Information

Percent of Ownership: 100

Name: SOLLER WILLIAM

Name 2: OGLE BRITTANY

Mailing Address: P O BOX 303
COSBY TN
37722

Site Address: 2132 DAILEY RD GAUTIER

Land Information

Section: 12 Acreage: 0.34

Township: 7

Range: 7

Street Name DAILEY
RD

Value and Tax Information

Total Assessed Value: 1107

Total Appraised Value: 7380

Improvement Value: 0

Land Value: 7380

Tax Amount: 159

SQ FT: 0

Year Built: 1973

Legal Description

Description: COM SEC LT 23 DELLWOOD HGTS S/D
E 615.4' M/L TO POB E 75' N 195'
W 75' S 195' TO POB PT LOT 5 JA
MES MARTIN EST DB 2092-274 (11 M
ap771.12-02)

Deed Book / Page: 2092 / 274

85700145.000 SOLLER WILLIAM



Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department



Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

■	AG
■	C-1
■	C-2
■	C-3
■	I-2
■	MURC-1
■	MURC-2
■	MURC-MW
■	PL
■	PUD
■	R-1
■	R-2
■	R-3
■	RE
■	TC

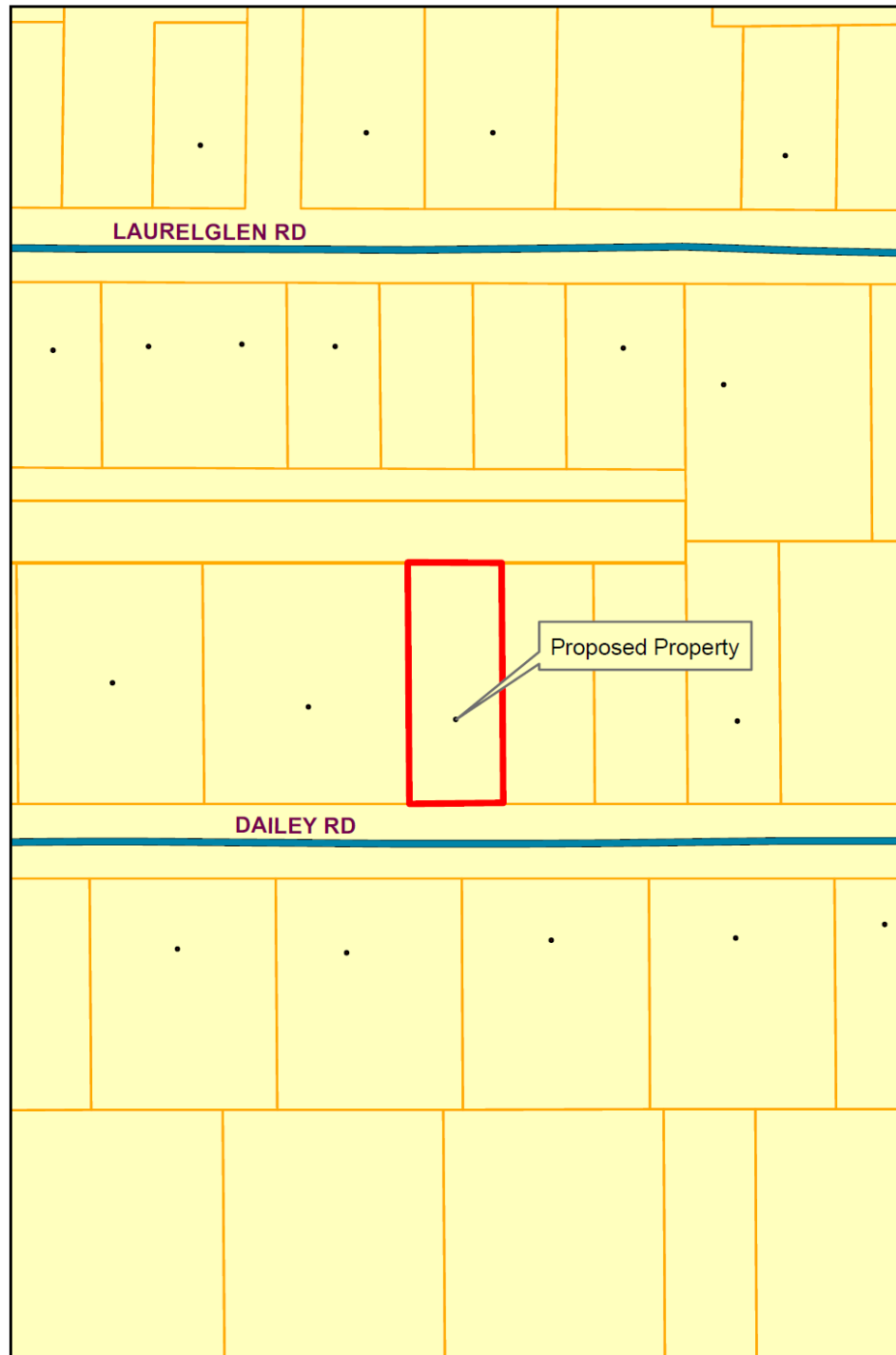


Exhibit C Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

- commercial-retail
- conservation
- civic
- industrial
- marina/fish camps
- high density residential
- mobile home
- mobile home park
- medium density residential
- office
- recreation
- very low to low density residential
- utility
- vacant



Exhibit D

Future Land-Use

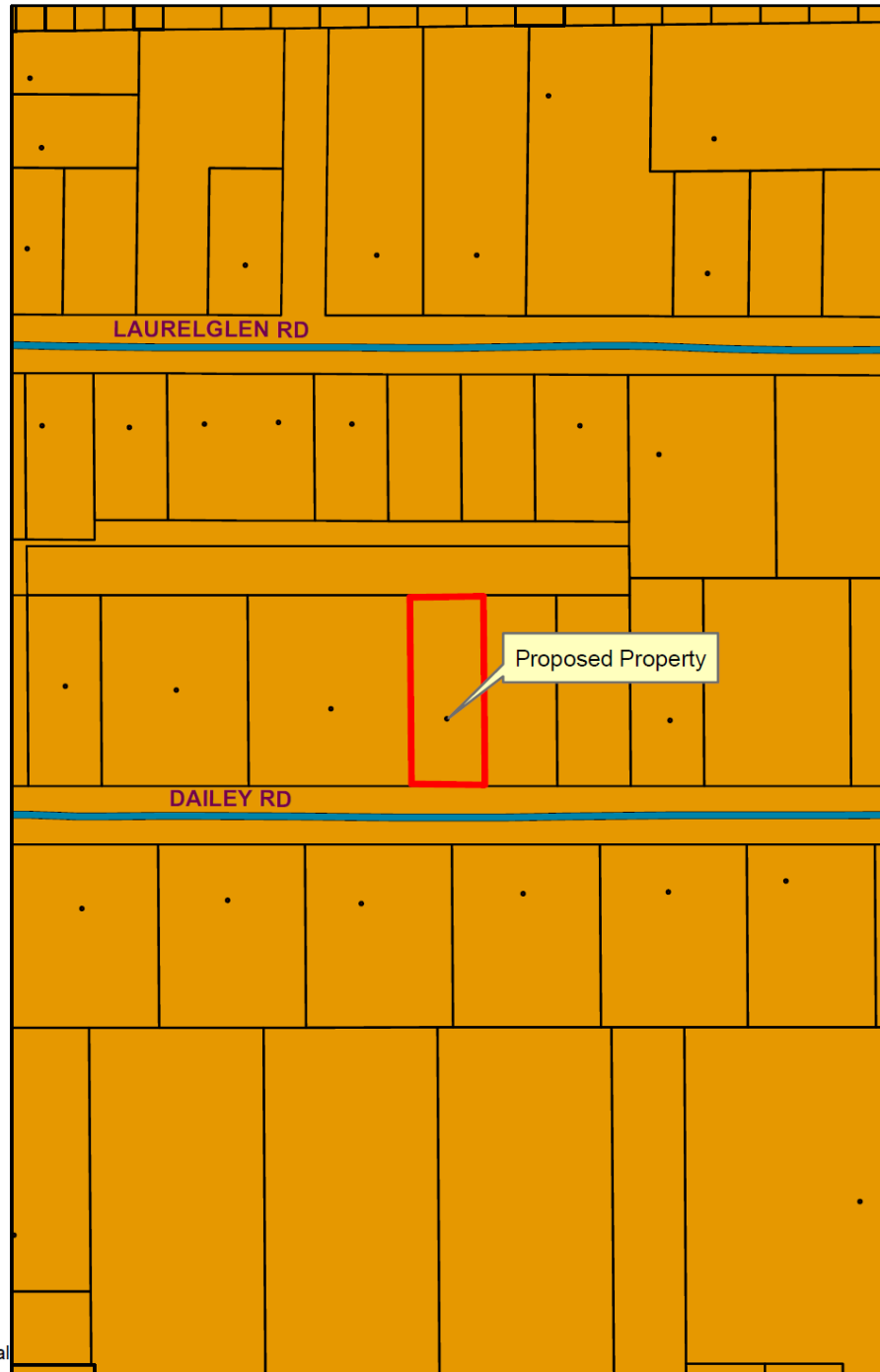
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

-
- Civic
- high impact commercial
- Conservation
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Mobile Home Residential
- low impact Commercial
- Recreational
- recreational commercial
- Regional Scale Commercial
- mixed use residential
- Town Center
- Very Low Density Residential



Gautier Planning Commission

Regular Meeting Agenda

July 11, 2024

GPC #24-21-CU

Albert Guy Easom, III

3101 Oak Street

VII. NEW BUSINESS

3. Consider a request for a Conditional Use-Major that would allow a Recreational Vehicle (RV) in a Mobile Home Park in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District. 3101 Oak Street (GPC #24-21-CU)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: July 2, 2024

Subject: Consider a request for a Conditional Use-Major that would allow a Recreational Vehicle (RV) in a Mobile Home Park in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District. 3101 Oak Street (GPC #24-21-CU)

REQUEST:

The Planning Department has received a request from Albert Guy Easom, III for a Conditional Use-Major that would allow a Recreational Vehicle (RV) in a Mobile Home Park in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District at 3101 Oak Street, PID #87010066.000 (GPC #24-21-CU). The application fee of \$250 was paid on May 8, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned MURC-MW Mixed Use Recreation Commercial – Mary Walker.

1. Location: 3101 Oak Street, PID #87010066.000 (See Exhibit A)
2. General features of the proposed project:
Total Area of Mobile Home Park: Approximately 11.47 Acres
3. Existing Zoning – MURC-MW Mixed Use Recreation Commercial – Mary Walker (See Exhibit B)
4. Existing Land Use – Mobile Home Park (See Exhibit C)
5. Comprehensive Plan Future Land Use Designation – Recreational Commercial (See Exhibit D)

DISCUSSION:

The following addresses the review criteria for a Major Conditional Use outlined in Section 4.17.5 of the UDO.

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District?

Applicant Response: Yes.

Staff Finding: Yes. Recreational Vehicle (RV) is listed as a Conditional Use-Major in a MURC-MW Mixed Use Recreation Commercial District.

2. Describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering or other plans.

Applicant Response: Other RVs in area

Staff Finding: The proposed use is allowed in a MURC-MW zoning district with a Major Conditional Use. Special conditions may be imposed if deemed necessary to help the proposed use be more compatible with the character of development in the vicinity.

3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.

Applicant Response: No.

Staff Finding: There is no evidence to indicate the proposed use will negatively affect the property values or cause a detriment to the surrounding properties.

4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.

Applicant Response: No.

Staff Finding: There is no evidence that the proposed use will have any adverse effect on vehicular or pedestrian traffic.

5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?

Applicant Response: Yes.

Staff Finding: The proposed use can be accommodated by existing public services and facilities.

6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.

Applicant Response: Yes.

Staff Finding: The Comprehensive Plan calls out “Recreational Commercial” for future land use of this property.

7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain.

Applicant Response: No.

Staff Finding: There is no evidence that the proposed use poses a hazardous, detrimental, or disturbing effect to present surrounding uses.

8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.

Applicant Response: Yes.

Staff Finding: The proposed use will conform to all current district regulations.

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines conditional uses as specific uses which are enumerated in each zoning district and which because of their nature are not allowed by right but may be allowed after the required review process. The City may specify certain conditions as necessary to make the use compatible with other uses in the same district. Conditional uses are issued for uses of land and uses designated “Conditional Uses-Major” are transferable from one (1) owner of land to another.

The UDO further defines Conditional Uses-Major as uses that are not allowed by right but require a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to a new owner, the new owner must submit a letter to the Planning Director agreeing to the current terms and condition.

2. Conditional Uses-Major requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets the “Criteria for Approval” from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the Conditional Use-Major
2. Recommend that City Council approve the Conditional Use-Major with changes;
or
3. Recommend that City Council deny the Conditional Use-Major.

ATTACHMENTS:

1. Applicant's Exhibit 1 – Application
2. City's Exhibit A – Location Map
3. City's Exhibit B – Existing Zoning Map
4. City's Exhibit C – Existing Land Use Map
5. City's Exhibit D – Future Land Use Map

GAUTIER, MISSISSIPPI
PLANNING DEPARTMENT
CONDITIONAL USE APPLICATION

Public Hearing Number

24-21-CU

TO BE HEARD BY GAUTIER PLANNING COMMISSION AND CITY COUNCIL:

Conditional Use - Major



FEE:

\$251.00

TO BE HEARD BY PLANNING DIRECTOR:

Conditional Use - Minor

FEE:

\$251.00

*Includes \$1.00 filing fee per MS Code §25-60-5

Name of Applicant: Albert Guy Kester

Name of Business: Southern Hideaway Phone: 601-507-0348

Property Address: 3101 Oak St Mailing Address (if Different): P.O. Box 20 Schaefer, MS

E-Mail Address: _____

Proposed Use Requiring Conditional Use: RV IN MOBILE HOME PARK (Refer to Article V, UDO)

Proposed Location is: ☐ New Build ☒ Existing (with no modifications) ☐ Existing (with proposed modifications)

ATTACHMENTS REQUIRED AS APPLICABLE:

- ☒ 1. Answers to the Criteria for Approval (see attached).
- ☒ 2. Project Narrative (see attached).
- ☐ 3. Diagram of intended use (see attached).
- NA 4. Copy of protective covenants or deed restrictions, if any.
- NA 5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- NA 6. Any other information requested by the Planning Director.
- NA 7. Owner's Consent form if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant(s): Albert Guy Kester Date of Application: 5-8-24

FOR OFFICE USE ONLY

Date Received 5/8/24 Verify as Complete Babs

Fee Amount Received 251.00 Initials of Employee Receiving Application BZ

CONDITIONAL USE CRITERIA FOR APPROVAL - Complete either the Major Conditional Use section or Minor Conditional Use Section below. If more room is needed, answers can be provided on a separate sheet of paper.

MAJOR CONDITIONAL USE CRITERIA FOR APPROVAL

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District?
yes
2. Please describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk, and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering, or other plans. *other RV's in Garage*
3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain. *NO*
4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.
5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools? *yes*
6. Is the proposed use in harmony with the Comprehensive Plan? Explain how. *yes*
7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain. *NO*
8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain. *yes*

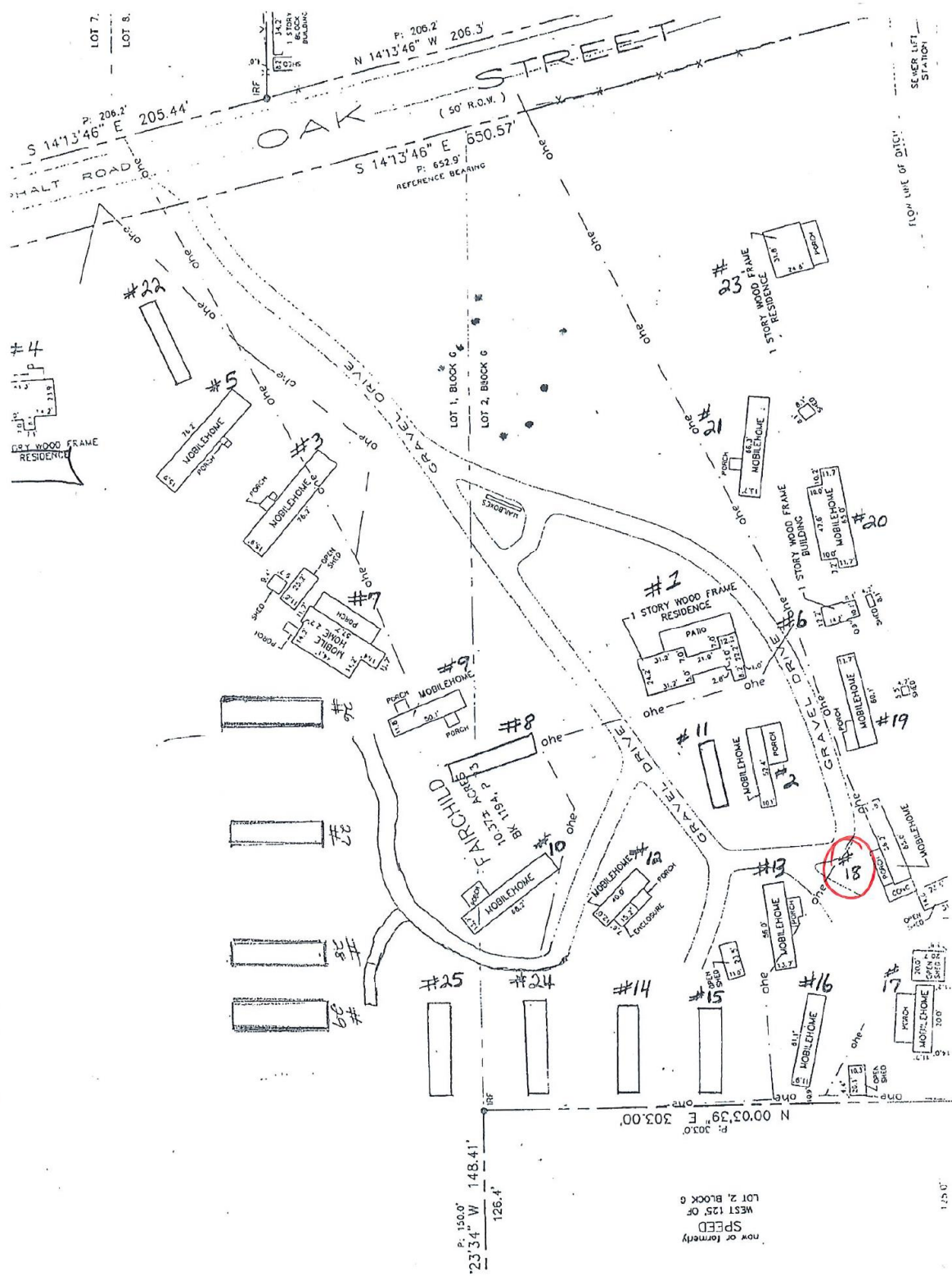
MINOR CONDITIONAL USE CRITERIA FOR APPROVAL

1. Is the proposed use substantially compatible with other uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics, and environmental impacts? Explain.
2. Will the proposed use be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area? Explain.
3. Is the proposed use consistent with the Comprehensive Plan? Explain how.
4. Is the proposed use in conformance with specific site location, development, and operation standards as required by this Ordinance? Explain.

CONDITIONAL USE NARRATIVE – Describe the proposed project in detail. Include all types of business activities that will be conducted on-site, any out-door storage or seating proposed, anticipated traffic, access for pick-up/delivery vehicles, proposed improvements, etc. Use the space below or provide a separate type written sheet of paper and attach. Staff will provide guidance as needed on additional information needed in the narrative.

NARRATIVE

Removed 1974 Mobil Home To
Install RV







87010066.000 SOUTHERN HIDEAWAY ESTATES LLC

PIDN: 87010066.000

GISP: 769.32-04-0124.00

Owner Information

Percent of Ownership: 100

Name: SOUTHERN HIDEAWAY ESTATES LLC

Name 2:

Mailing Address: P O BOX 108
SEBASTOPOL MS
39359

Site Address: 3101 OAK ST GAUTIER

Land Information

Section: 32 Acreage: 4.78

Township: 7

Range: 6

Street Name OAK
ST

Value and Tax Information

Total Assessed Value: 27121

Total Appraised Value: 180806

Improvement Value: 67886

Land Value: 112920

Tax Amount: 3899

SQ FT: 1008

Year Built: 1960

Legal Description

Description: COM SWC LOT 2 BLK G E 125' FOR P
OB N 303' E 638' SLY 312' W 719
TO POB PT LOT 2 BLK G RIVER OAKS
S/D DB 2095-299 (124 MAP769.32-
04)

87010066.000 SOUTHERN HIDEAWAY ESTATES LLC

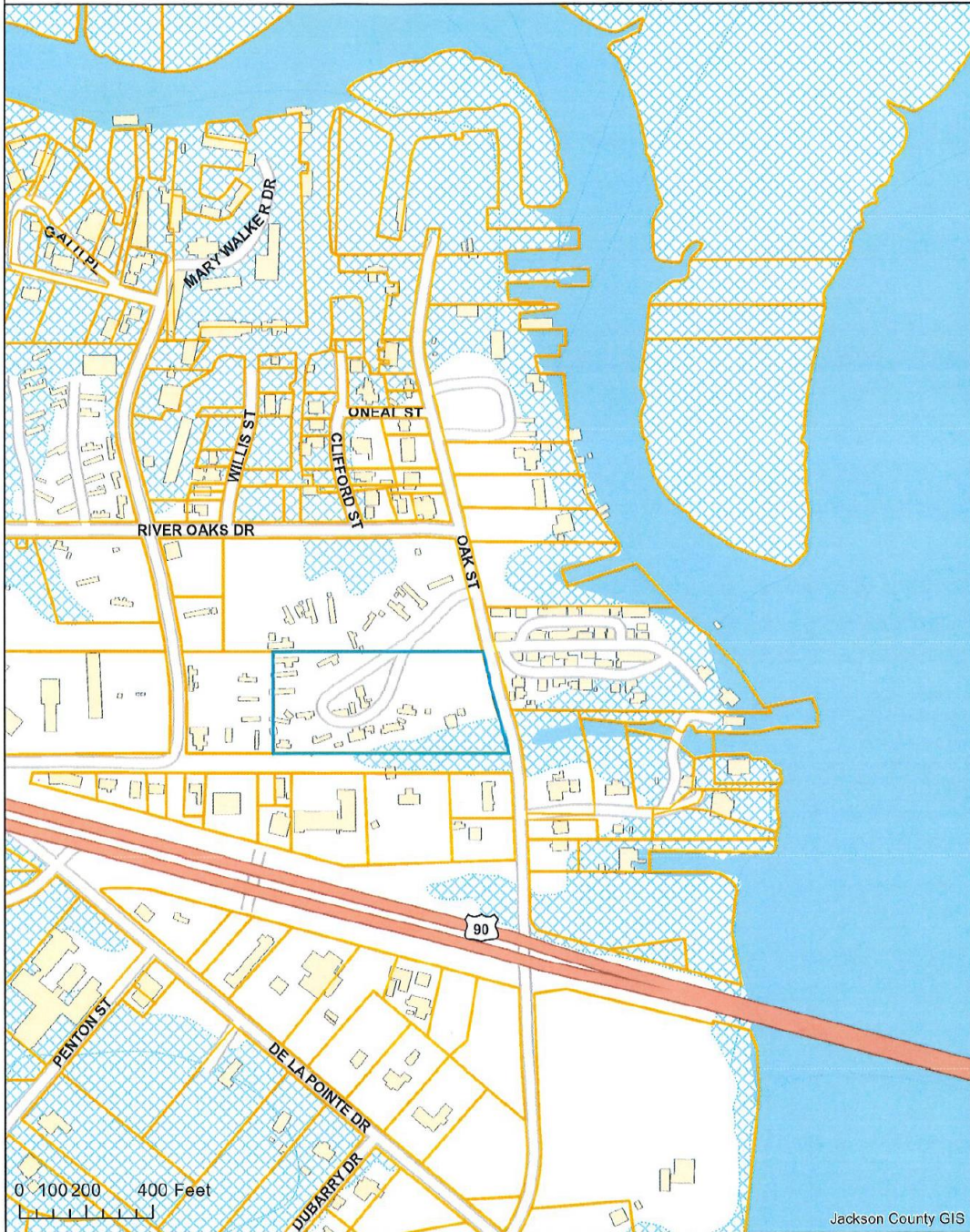


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

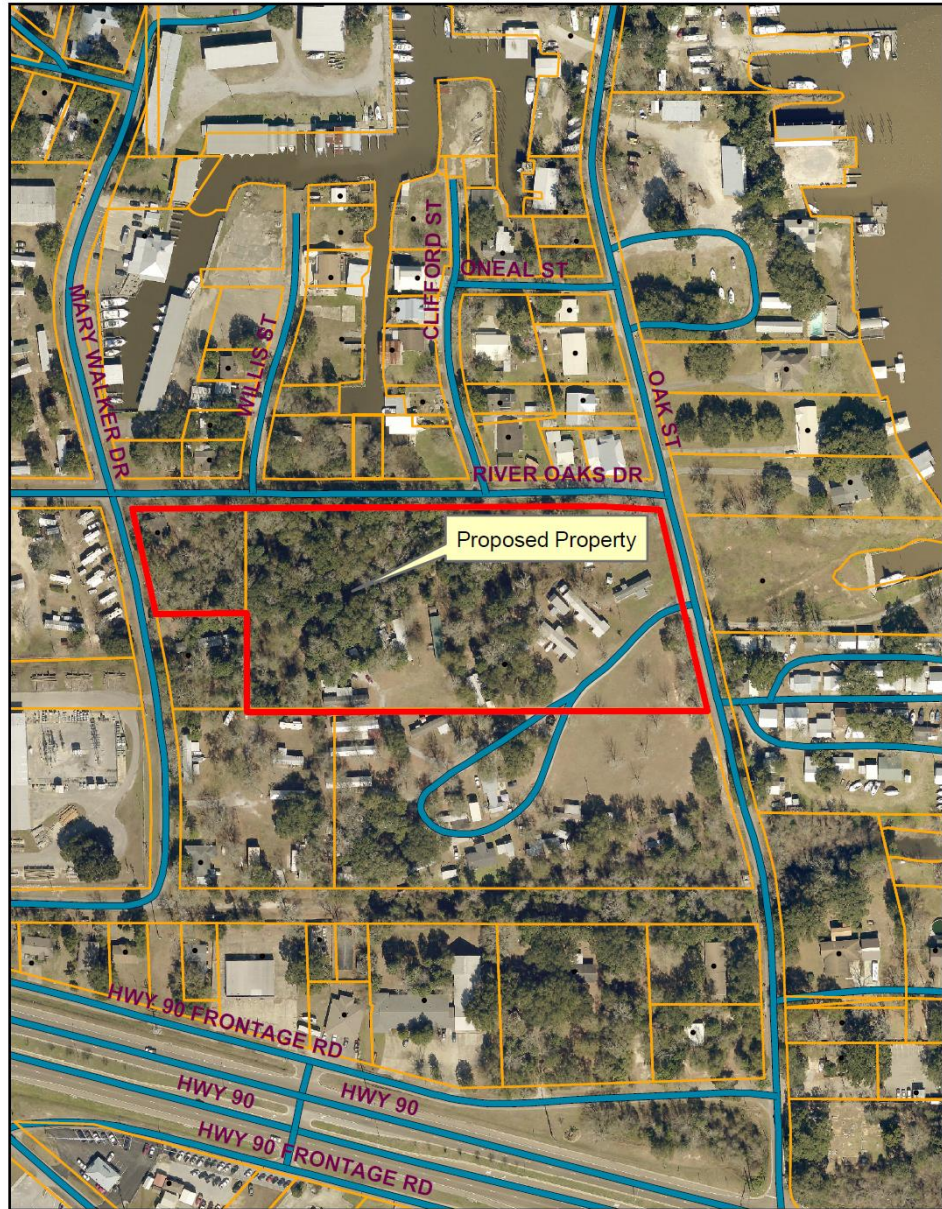


Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

	AG
	C-1
	C-2
	C-3
	I-2
	MURC-1
	MURC-2
	MURC-MW
	PL
	PUD
	R-1
	R-2
	R-3
	RE
	TC

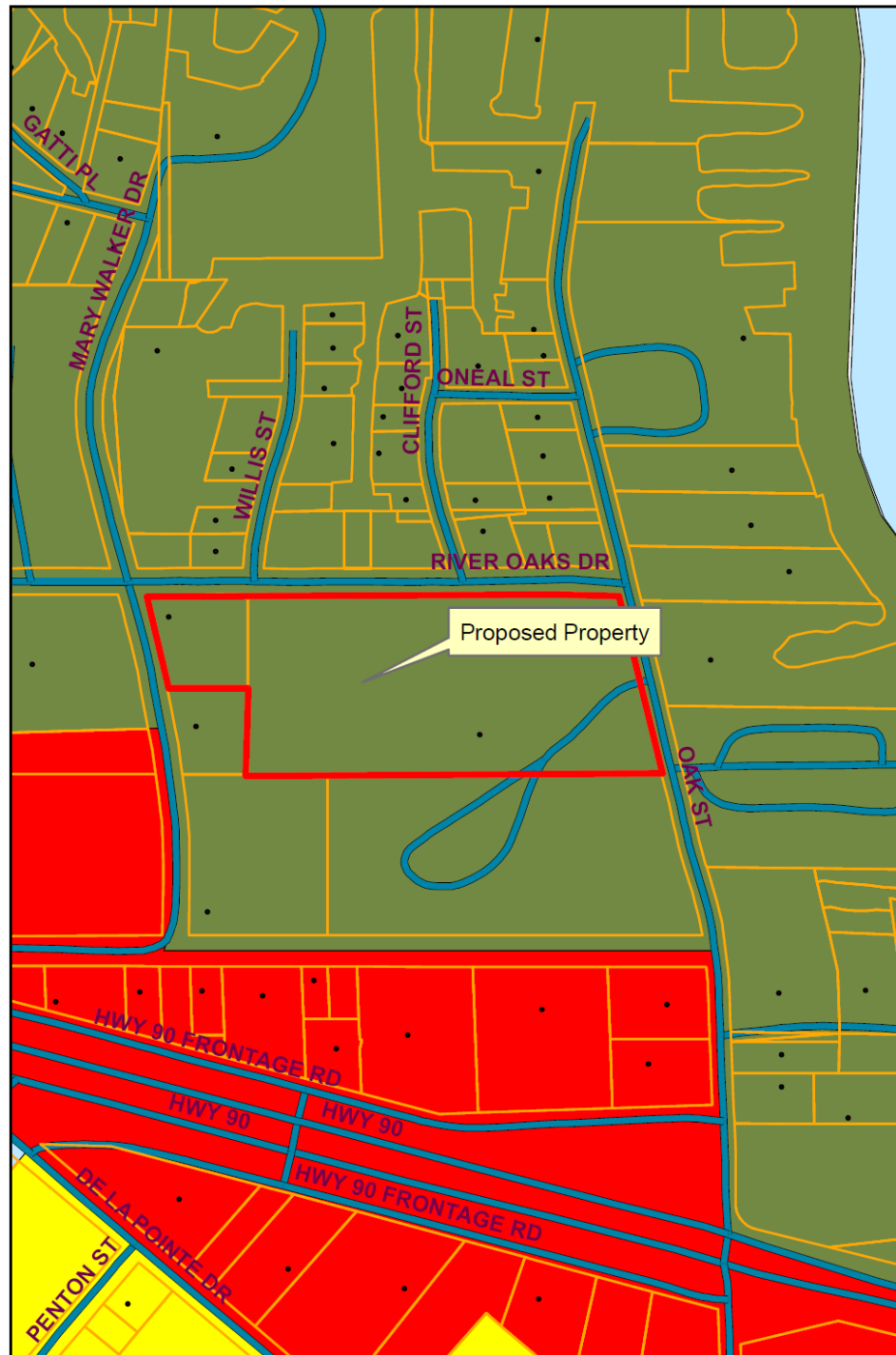


Exhibit C

Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

- commercial-retail
- conservation
- civic
- industrial
- marina/fish camps
- high density residential
- mobile home
- mobile home park
- medium density residential
- office
- recreation
- very low to low density residential
- utility
- vacant

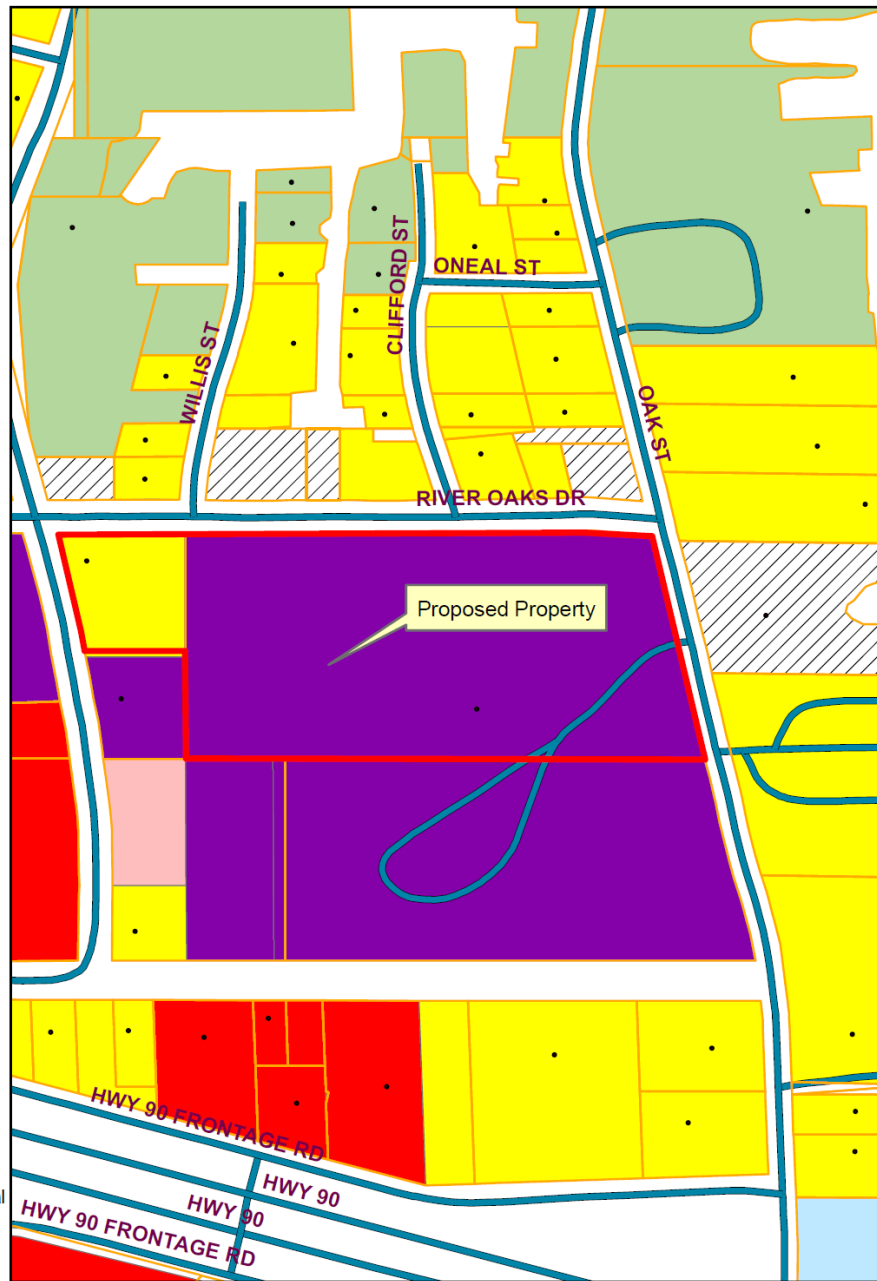


Exhibit D Future Land-Use

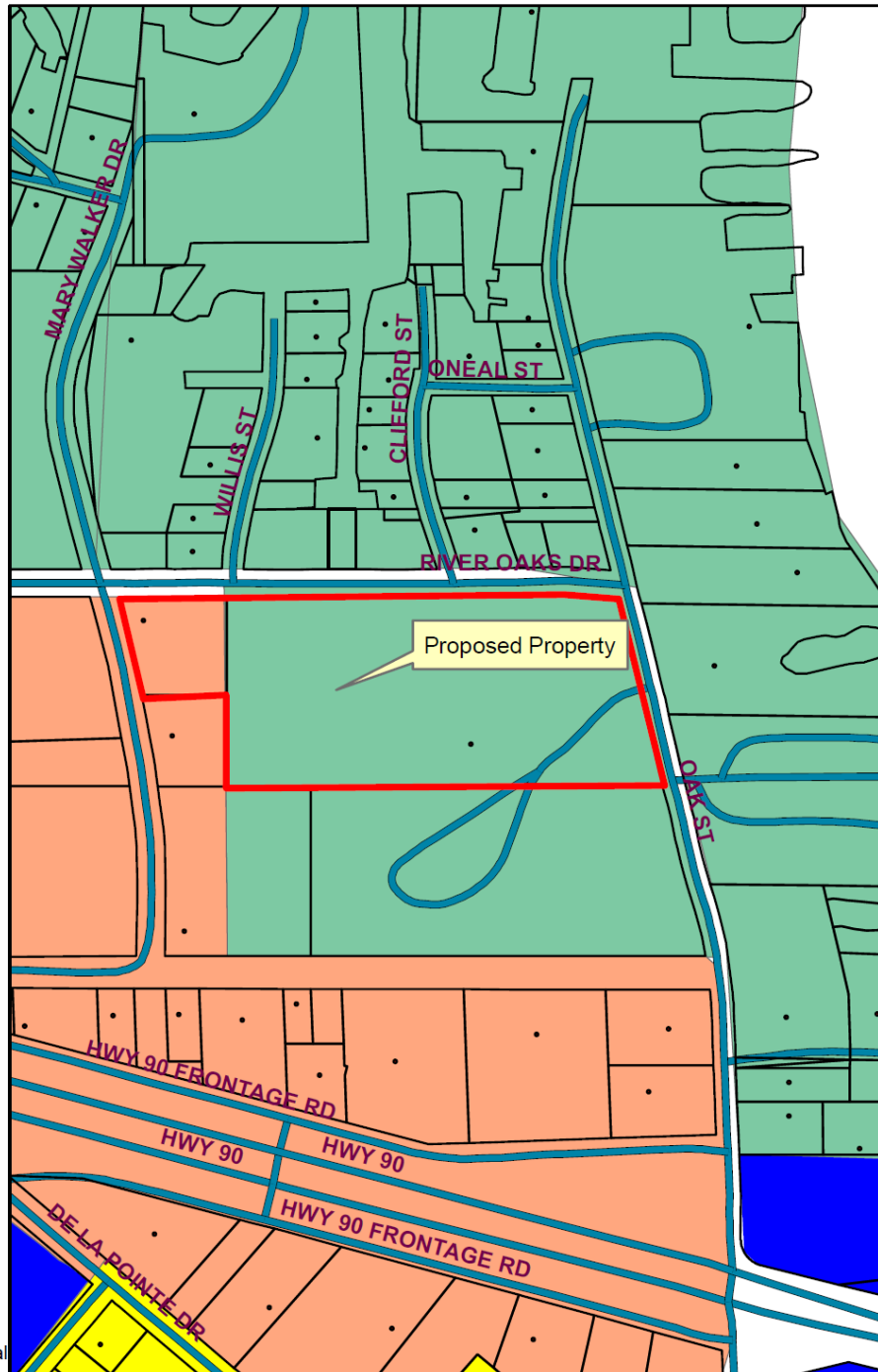
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

-
- Civic
- high impact commercial
- Conservation
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Mobile Home Residential
- low impact Commercial
- Recreational
- recreational commercial
- Regional Scale Commercial
- mixed use residential
- Town Center
- Very Low Density Residential



Gautier Planning Commission

Regular Meeting Agenda

July 11, 2024

GPC #24-22-VAR

1801 Seacliffe Drive

VII. NEW BUSINESS

4. Consider a request for a two-foot (2') variance to fence height requirements in a R-1 Low Density Single-Family Residential Zoning District. 1801 Seacliffe Drive, PID #82513460.060, (GPC #24-22-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: July 3, 2024

Subject: Consider a request for a two-foot (2') Variance to fence height requirements in a R-1 Low Density Single-Family Residential Zoning District. 1801 Seacliffe, PID #82513460.060 (GPC #24-22-VAR)

REQUEST:

The Planning Department has received a request from Kelly Braud for a two-foot (2') Variance to fence height requirements in a secondary front yard in a R-1 Low Density Single-Family Residential Zoning District at 1801 Seacliffe, PID #82513460.060 (GPC #24-22-VAR) The application fee of \$175 was paid on May 13, 2024. All public notice requirements have been met.

BACKGROUND:

The applicant has placed a six-foot (6') privacy fence in a secondary front yard area where the maximum fence height allowed is four feet (4'). The applicant needs a two-foot (2') variance to the fence height requirements in a secondary front yard.

DISCUSSION:

The applicant is requesting a two-foot (2') variance to fence height requirements in a secondary front yard in a R-1 Low Density Single-Family Residential Zoning District. The maximum height for a fence in a front yard or secondary front yard is four feet (4'). (See UDO Article 11, Section 11.10.2) Her fence is six feet (6') in height.

DETERMINATION OF APPLICABLE LAW:

The Unified Development Ordinance (UDO) defines **Variances** as:

A Variance is a relaxation of the terms of the Unified Development Ordinance where such Variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, a literal enforcement of the Ordinance would result in an unnecessary or undue hardship. As used in this Ordinance, a Variance is authorized only for height, area and size of structure, or size of yards, separation of uses, open spaces, off-street parking spaces and some subdivision of property. The establishment or expansion of a use not permitted shall not be allowed by Variance.

The UDO defines **Hardship** as:

Hardship means the unnecessary hardship that would result from a failure to grant the requested variance or special exception. An unnecessary hardship exists if:

- (1) the land in question cannot yield a reasonable return if used only
 - (a) for a purpose allowed in that zone (applicable to special exceptions), or
 - (b) as permitted by the dimensional requirements of this ordinance (applicable to variances);
- (2) that the plight of the owner is due to unique circumstances of the land for which the variance or special exception is sought; and
- (3) that the use to be authorized by the variance will not alter the essential character of the locality.

UDO SECTION 4.18: Variance

In certain circumstances, a Variance from the dimensional requirements (i.e. height, setbacks, square footage) of this ordinance may be granted if the applicant can prove that because of physical constraints of the property involved, he is not able to build the same type of structure that other persons with the same zoning classification can build. Variances for uses permitted will not be considered in as much as “use Variances” are not legal in the State of Mississippi.

Most Variances must be granted by the City Council; however, certain minor Variances may be granted by the Economic Development Director in accordance with *Section 4.18.3* below.

4.18.1 Who May Initiate

A request for a Variance may be initiated by the property owner or agent of the owner provided that said property has not been denied a previous request for a Variance for the same property or portion of property within the past twelve (12) months.

4.18.2 Application for Variance

Applications for a Variance (from dimensional requirements) may be filed on the appropriate application available from the Economic Development/Planning Department and shall include all requested information, attachments and submittals:

4.18.3 Administrative Variances

The following dimensional variances may be granted by the Economic Development Director at his/her discretion (Note: Within the COR, Corridor Overlay District, applicants shall be required to mitigate a requested dimensional variance in accordance with the Tier Land Use Provisions in Section 5.11):

- A. 30% of required off-street parking spaces and/or
- B. 30% of required setbacks from property lines

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

- A. That special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels) or structures or buildings in the same district;

- B. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance;
- C. That the special conditions and circumstances do not result from actions of the applicant; and
- D. That granting the Variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other similar sites (lots or parcels) structures or buildings in the same district.

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets all "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

- 1. Recommend that City Council approve the variance request as presented;
- 2. Recommend that City Council approve the variance request with changes; or
- 3. Recommend that City Council deny variance request.

ATTACHMENTS:

- 1. Applicant's Exhibit 1 – Application
- 2. City's Exhibit A – Location Map
- 3. City's Exhibit B – Existing Zoning Map
- 4. City's Exhibit C – Existing Land Use Map
- 5. City's Exhibit D – Future Land Use Map

GAUTIER, MISSISSIPPI

PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

24-22-VAR

TO BE HEARD BY GAUTIER PLANNING COMMISSION:

FEE:

Variance

\$176.00

*Includes \$1.00 filing fee per MS Code §25-60-5

Name of Applicant:

Kelly Braud

Name of Business:

Phone: 785-840-5871

Property Address:

1801 Seaciff Dr.

Mailing Address (if Different):

E-Mail Address:

Kbbraud@yahoo.com

Reason for request, location and intended use of Property:

2 foot variance on back line of

my back yard fence

(property abuts McVeay Lane)

ATTACHMENTS REQUIRED AS APPLICABLE:

- ☒ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- ☒ 2. A detailed project narrative.
- NA 3. Copy of protective covenants or deed restrictions, if any.
- NA 4. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- NA 5. Any other information requested by the Planning Director.

Signature of Applicant:

Kelly Braud

Date of Application:

5-13-24

FOR OFFICE USE ONLY

Date Received

5/13/24

Verify as Complete

BL

Fee Amount Received

176.00

Initials of Employee Receiving Application

Bahs

VARIANCE

Criteria for Approval

1. What special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels), or structures or buildings in the same district?

The special circumstance that could arise is a financial one. I have talked to Lowes about moving the fence. The cost will be just over \$4300. At the 25 foot mark is a tree. Removal of the tree is \$2800. To go further up requires removal of an existing deck.

2. Are these special conditions and circumstances a result of your actions? Explain.

I hired Lowes to build the fence and they contracted the job to another company. As a first time home owner, I naively put my trust in them. They assured me they would get all permits and check all ordinances. They told me they did and all was fine.

3. How will the literal interpretation of the provisions of this Ordinance deprive you of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance? Explain.

See below

4. Will the granting of the Variance requested confer upon you any special privilege that is denied by this Ordinance to other similar sites (lots or parcels), structures or buildings in the same district? Explain.

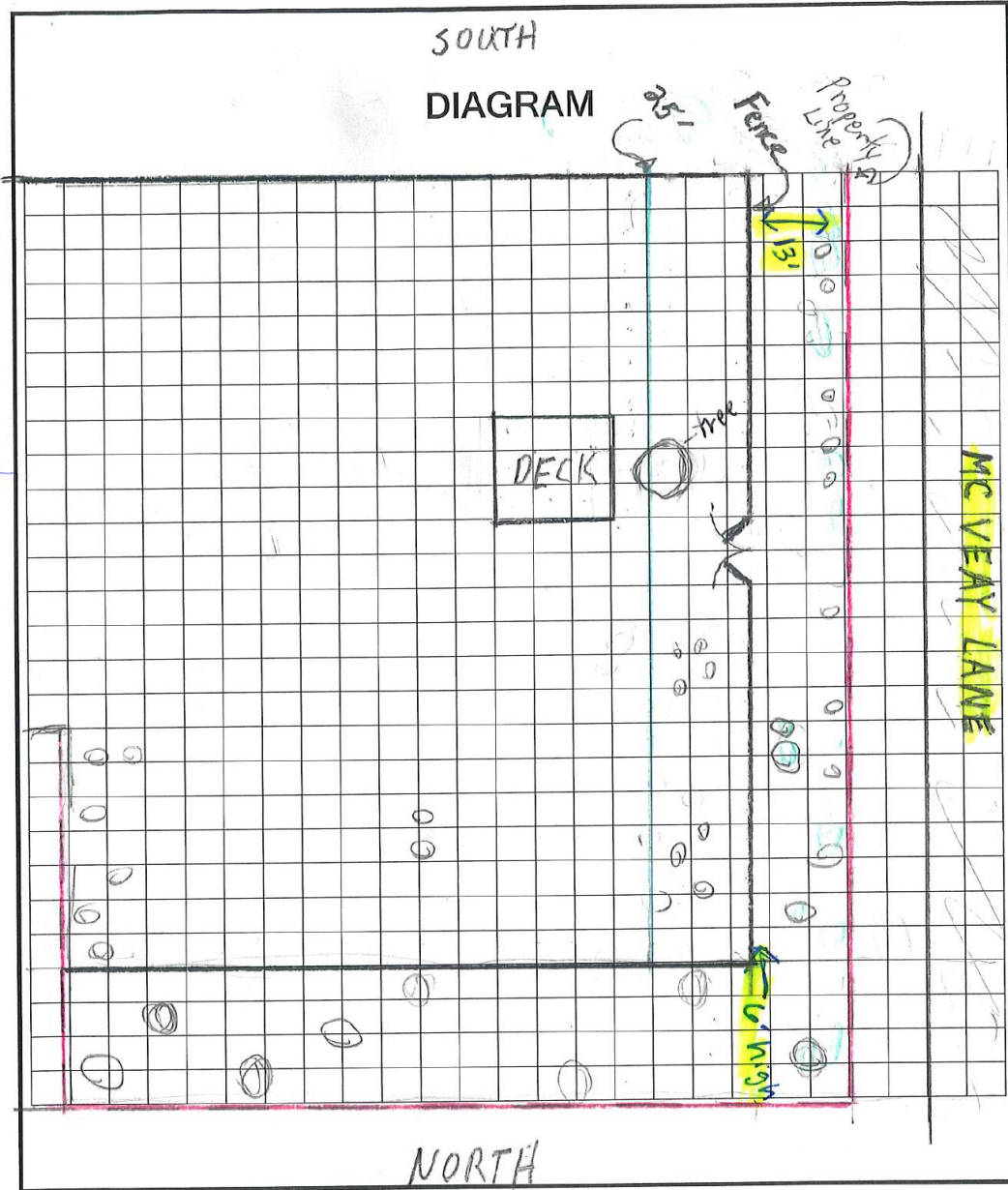
③ The main reason I wanted a 6ft fence was due to numerous incidents of stray dogs leaping over an existing 4ft chain link fence. I was very concerned due to having dogs of my own. One particular incident involved a rather aggressive dog that almost attacked my father. When deciding where to place the fence, I trusted the company that we were ok to place where we did and I was hoping to fence in as much yard as I could. That is another reason I am hoping for the variance. I would very much like to not lose the amount of yard if possible.

NARRATIVE

I am requesting a variance today for my back lot fence. Specifically, I would like a 2 foot variance allowing a 6 foot fence. It would remain 12 feet 11 inches from my property line off of McVeay Lane. I originally moved a 4ft chainlink fence and replaced it with the 6 foot fence due to numerous issues with stray dogs leaping over the fence. This included a very aggressive dog that almost attacked my father. I decided to place the higher fence out of concern for my family and my own dogs. In May of 2022, I hired Lowes to build the fence. They contracted the job out to another company. This company assured me they would check all permits and ordinances. As a first time home owner, I made the mistake of fully trusting them. They informed me they did all the checks and that everything was all good to continue. I have contacted Lowes about moving the fence. The cost would be just over \$4300. At the 25 foot mark is a large tree, which would be \$2800 to remove. If I go up further, it would require the removal of a deck. I am hoping that a variance can be granted to prevent the financial costs and the loss of use of part of my yard. I appreciate your time and your consideration.

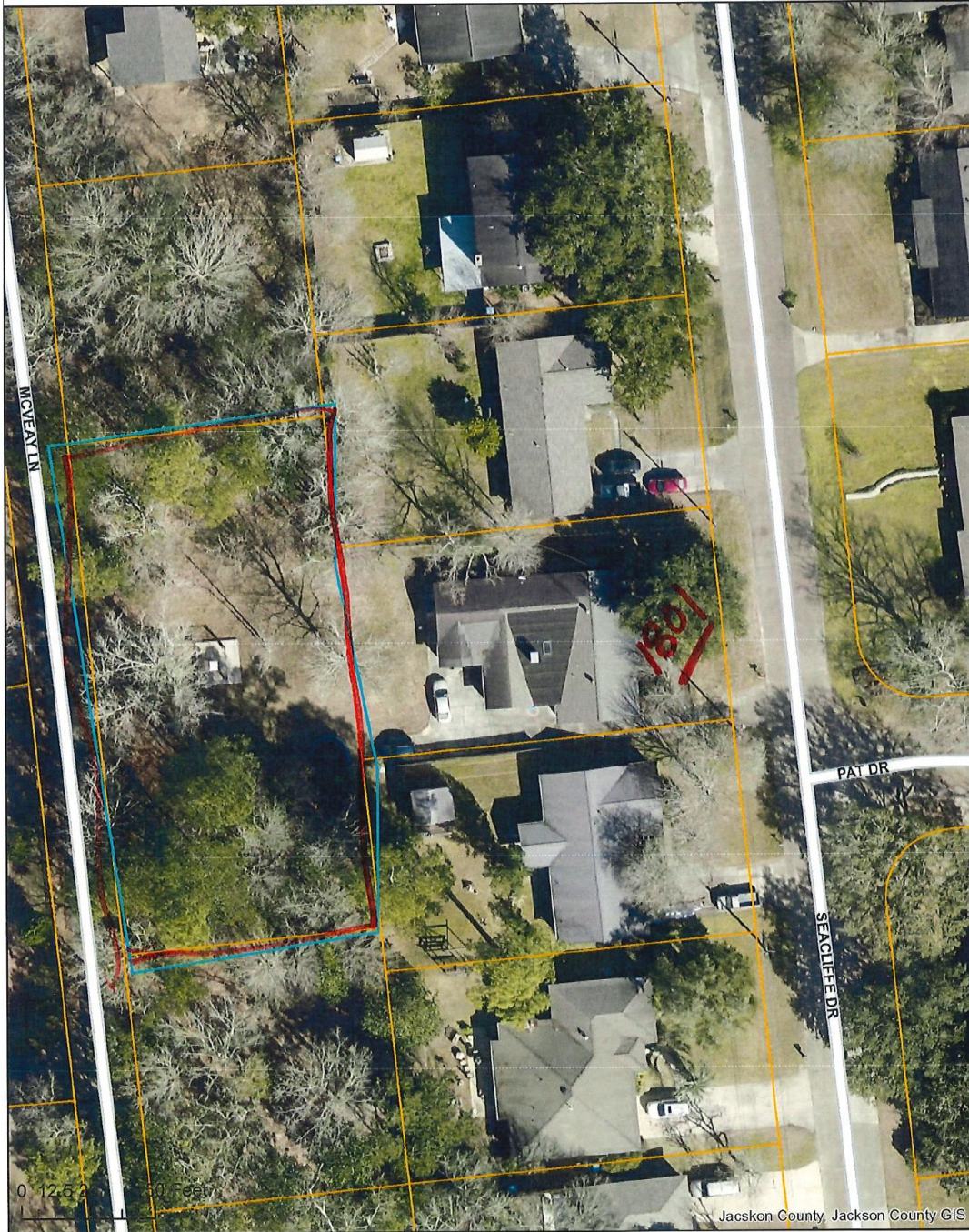
SOUTH
DIAGRAM

180° Seachiff



NORTH

82513460.060 BRAUD KELLY



82513460.060 BRAUD KELLY

PIDN: 82513460.060

GISP: 871.12-03-0042.00

Owner Information

Percent of Ownership: 100

Name: BRAUD KELLY

Name 2:

Mailing Address: 1801 SEACLIFFE DR
GAUTIER MS
39553

Site Address: MCVEAY LN GAUTIER

Land Information

Section: 12 Acreage: 0.44

Township: 8

Range: 7

Street Name MCVEAY
LN

Value and Tax Information

Total Assessed Value: 1532

Total Appraised Value: 10210

Improvement Value: 0

Land Value: 10210

Tax Amount: 220

SQ FT: 0

Year Built: 0

Legal Description

Description: COM NW COR LOT 41 SEACLIFF S/D N
6 DEG W 97.48' FOR POB CONT N
6 DEG W 195' S 84 DEG W 99.53' S
6 DEG E 195' N 84 DEG E 99.8' T
O POB DB 2052-222 (42 MAP871.12-
03)

Deed Book / Page: 2052 / 222

82513460.060 BRAUD KELLY



Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

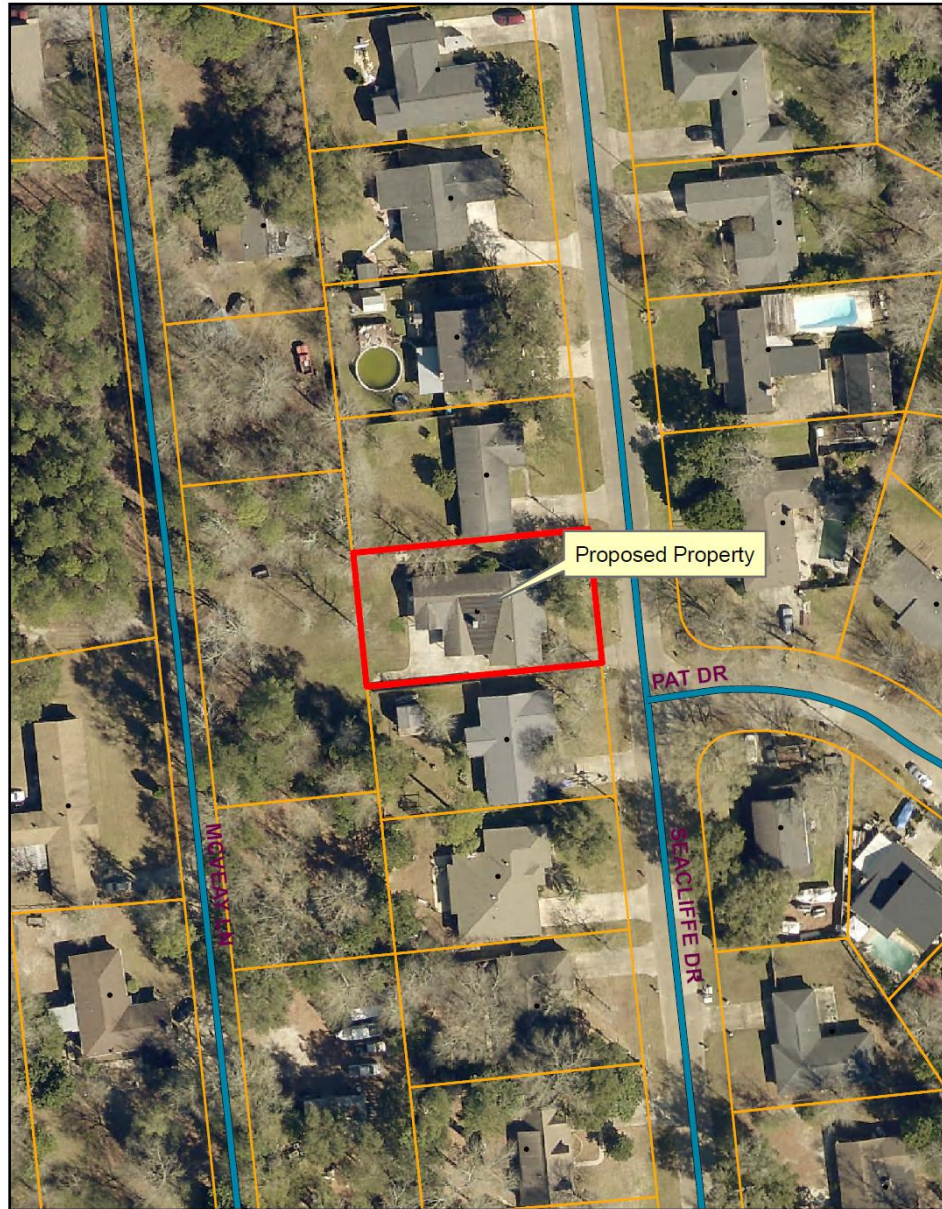


Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

AG	AG
C-1	C-1
C-2	C-2
C-3	C-3
I-2	I-2
MURC-1	MURC-1
MURC-2	MURC-2
MURC-MW	MURC-MW
PL	PL
PUD	PUD
R-1	R-1
R-2	R-2
R-3	R-3
RE	RE
TC	TC

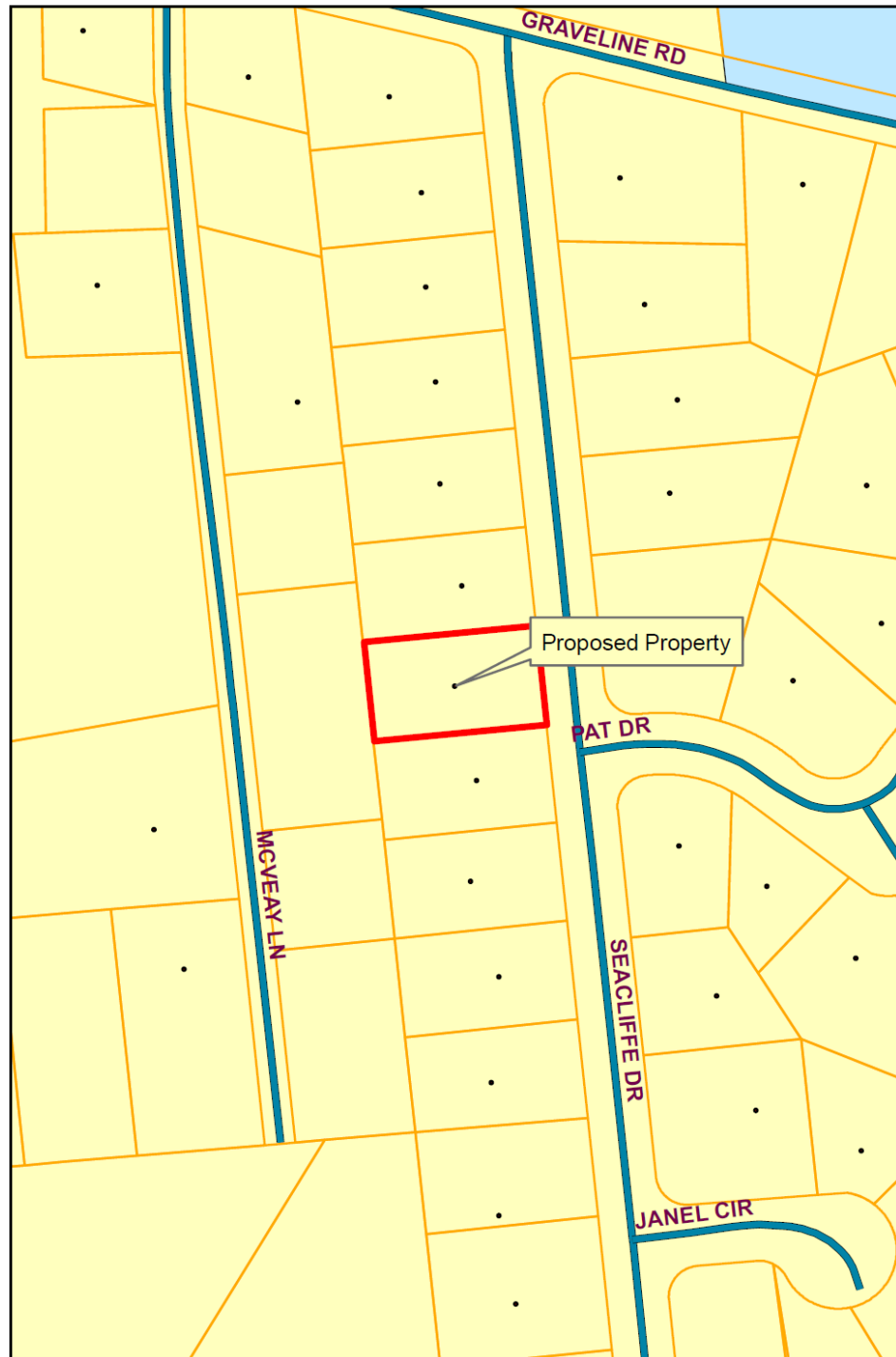


Exhibit C

Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

- commercial-retail
- conservation
- civic
- industrial
- marina/fish camps
- high density residential
- mobile home
- mobile home park
- medium density residential
- office
- recreation
- very low to low density residential
- utility
- vacant

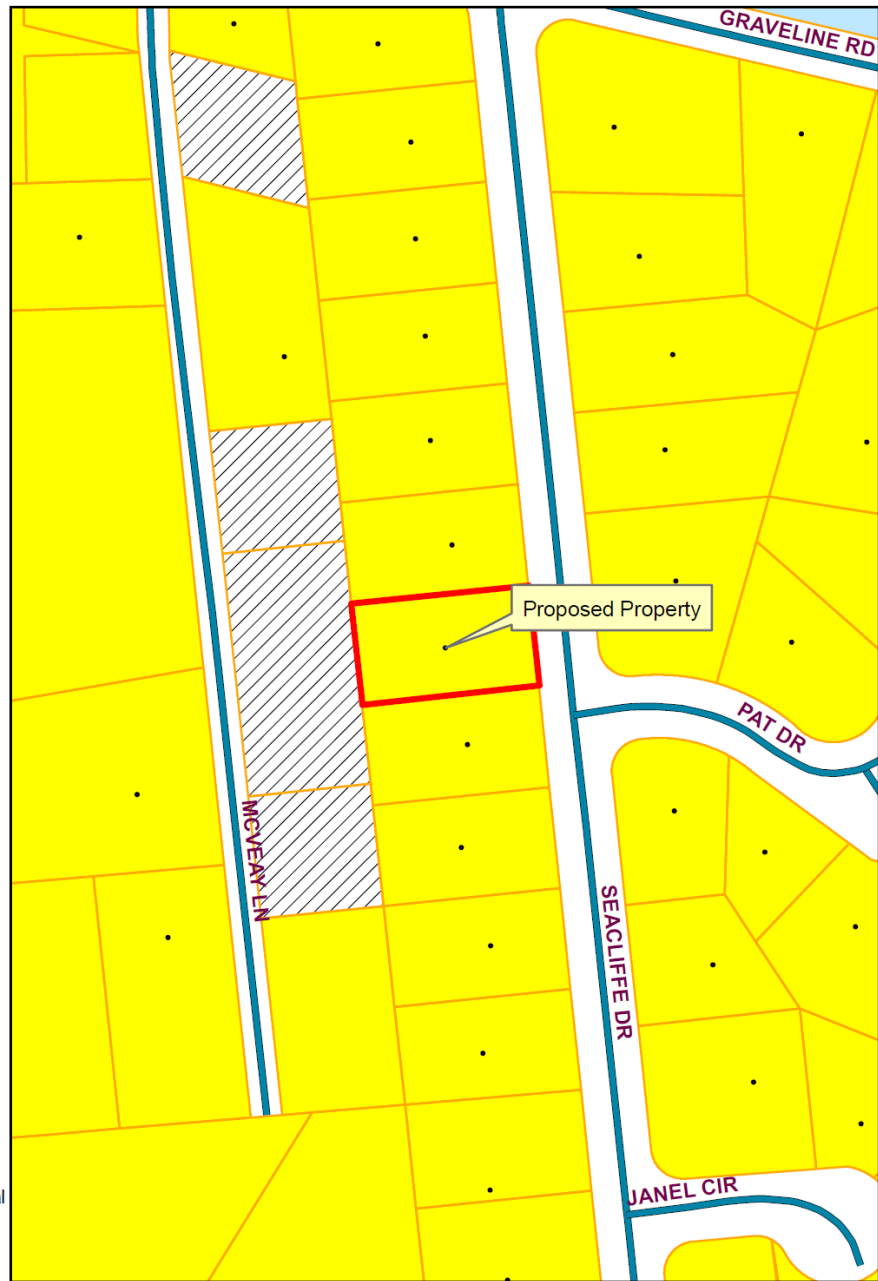


Exhibit D

Future Land-Use

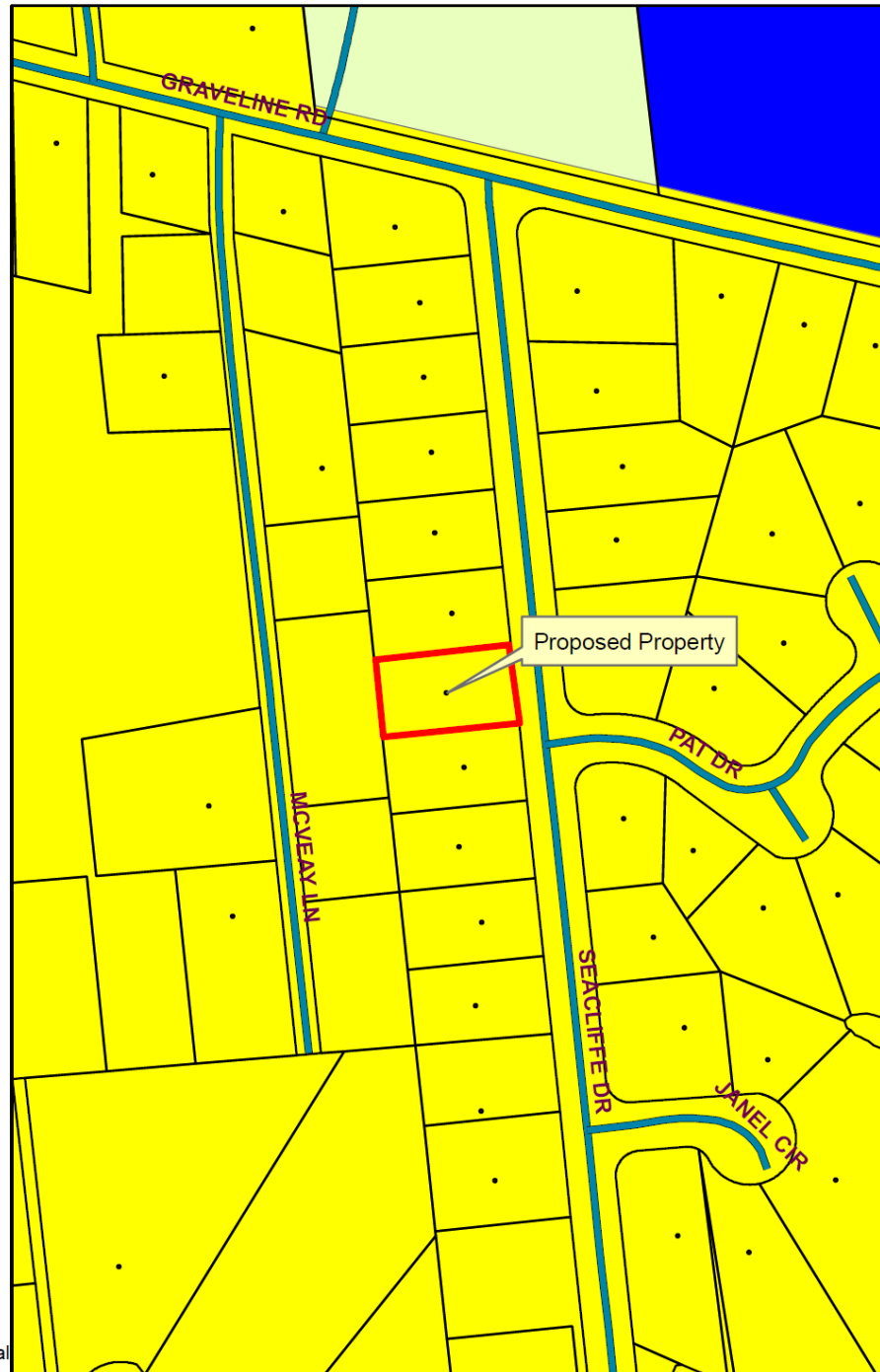
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

-  Civic
-  high impact commercial
-  Conservation
-  High Density Residential
-  Industrial
-  Low Density Residential
-  Medium Density Residential
-  Mobile Home Residential
-  low impact Commercial
-  Recreational
-  recreational commercial
-  Regional Scale Commercial
-  mixed use residential
-  Town Center
-  Very Low Density Residential



Gautier Planning Commission

Regular Meeting Agenda

July 11, 2024

GPC #24-23-CU

Karen Cooley

3224 & 3228 Willis Drive

VII. NEW BUSINESS

5. Consider a request for a Conditional Use-Major that would allow a Recreational Vehicle (RV) on an individual lot in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District. 3224 & 3228 Willis Drive (GPC #24-23-CU)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: July 3, 2024

Subject: Consider a request for a Conditional Use-Major that would allow a Recreational Vehicle (RV) on an individual lot in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District. 3224 & 3228 Willis Drive. (GPC #24-23-CU)

REQUEST:

The Planning Department has received a request from Karen Cooley for a Conditional Use-Major that would allow a Recreational Vehicle (RV) on an individual lot in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District at 3224 & 3228 Willis Drive, PID #87420108.000 & #87420107.000. The applicant plans to park the RV on the property line between the two lots. (GPC #24-23-CU). The application fee of \$250 was paid on May 15, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned MURC-MW Mixed Use Recreation Commercial – Mary Walker.

1. Location: 3224 & 3228 Willis Drive, PID #87420108.000 & #87420107.000 (See Exhibit A)
2. General features of the proposed project:
Total Area of Both Lots: Approximately 0.26 Acres
3. Existing Zoning – MURC-MW Mixed Use Recreation Commercial – Mary Walker (See Exhibit B)
4. Existing Land Use – Vacant (See Exhibit C)
5. Comprehensive Plan Future Land Use Designation – Recreational Commercial (See Exhibit D)

DISCUSSION:

The following addresses the review criteria for a Major Conditional Use outlined in Section 4.17.5 of the UDO.

1. Is the proposed use listed in the list of possible Conditional Uses in the Zoning District?

Applicant Response: Yes.

Staff Finding: Yes. Recreational Vehicle (RV) is listed as a Conditional Use-Major in a MURC-MW Mixed Use Recreation Commercial District.

2. Describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk, and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering, or other plans.

Applicant Response: Other RVs in area

Staff Finding: The proposed use is allowed in a MURC-MW zoning district with a Major Conditional Use. Special conditions may be imposed if deemed necessary to help the proposed use be more compatible with the character of development in the vicinity.

3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.

Applicant Response: No.

Staff Finding: There is no evidence to indicate the proposed use will negatively affect the property values or cause a detriment to the surrounding properties.

4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.

Applicant Response: No.

Staff Finding: There is no evidence that the proposed use will have any adverse effect on vehicular or pedestrian traffic.

5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?

Applicant Response: Yes.

Staff Finding: The proposed use can be accommodated by existing public services and facilities.

6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.

Applicant Response: Yes.

Staff Finding: *The Comprehensive Plan calls out “Recreational Commercial” for future land use of this property.*

7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain.

Applicant Response: No.

Staff Finding: *There is no evidence that the proposed use poses a hazardous, detrimental, or disturbing effect to present surrounding uses.*

8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.

Applicant Response: Yes.

Staff Finding: *The proposed use will conform to all current district regulations.*

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines conditional uses as specific uses which are enumerated in each zoning district and which because of their nature are not allowed by right but may be allowed after the required review process. The City may specify certain conditions as necessary to make the use compatible with other uses in the same district. Conditional uses are issued for uses of land and uses designated “Conditional Uses-Major” are transferable from one (1) owner of land to another.

The UDO further defines Conditional Uses-Major as uses that are not allowed by right but require a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to a new owner, the new owner must submit a letter to the Planning Director agreeing to the current terms and condition.

2. Conditional Uses-Major requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets the “Criteria for Approval” from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the Conditional Use-Major
2. Recommend that City Council approve the Conditional Use-Major with changes;
or
3. Recommend that City Council deny the Conditional Use-Major.

ATTACHMENTS:

1. Applicant's Exhibit 1 – Application
2. City's Exhibit A – Location Map
3. City's Exhibit B – Existing Zoning Map
4. City's Exhibit C – Existing Land Use Map
5. City's Exhibit D – Future Land Use Map

GAUTIER, MISSISSIPPI
PLANNING DEPARTMENT
CONDITIONAL USE APPLICATION

Public Hearing Number

24-23-02

TO BE HEARD BY GAUTIER PLANNING COMMISSION AND CITY COUNCIL:

Conditional Use - Major

FEE:

\$251.00

TO BE HEARD BY PLANNING DIRECTOR:

FEE:

Conditional Use - Minor

\$251.00

*Includes \$1.00 filing fee per MS Code §25-60-5

Name of Applicant: Karen Cooley

Name of Business: Phone: 601-947-5091

Property Address: 3224 & 3228 Willis Drive Gautier MS 39553 Mailing Address (if Different): 124 La Troy Cooley Rd Lucedale MS 39452

E-Mail Address: CooleyKaren43@yahoo.com

Proposed Use Requiring Conditional Use: RV NA MVRG-MW ZONE (Refer to Article V, UDO)

Proposed Location is: ☐ New Build ☒ Existing (with no modifications) ☐ Existing (with proposed modifications)

ATTACHMENTS REQUIRED AS APPLICABLE:

- ✓ 1. Answers to the Criteria for Approval (see attached).
- ✓ 2. Project Narrative (see attached).
- ✓ 3. Diagram of intended use (see attached).
- NA 4. Copy of protective covenants or deed restrictions, if any.
- NA 5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- NA 6. Any other information requested by the Planning Director.
- NA 7. Owner's Consent form if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant(s): Han M. Cooley

Date of Application: 5-15-24

FOR OFFICE USE ONLY

Date Received 5/15/24 Verify as Complete Bako/SA

Fee Amount Received 251.00 Initials of Employee Receiving Application Bako

CONDITIONAL USE CRITERIA FOR APPROVAL - Complete either the Major Conditional Use section or Minor Conditional Use Section below. If more room is needed, answers can be provided on a separate sheet of paper.

MAJOR CONDITIONAL USE CRITERIA FOR APPROVAL

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District?
Yes
2. Please describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk, and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering, or other plans. *other RV's in area*
3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain. *NO*
4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain. *NO*
5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools? *Yes*
6. Is the proposed use in harmony with the Comprehensive Plan? Explain how. *Yes*
7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain. *NO*
8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain. *Yes*

MINOR CONDITIONAL USE CRITERIA FOR APPROVAL

1. Is the proposed use substantially compatible with other uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics, and environmental impacts? Explain.
2. Will the proposed use be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area? Explain.
3. Is the proposed use consistent with the Comprehensive Plan? Explain how.
4. Is the proposed use in conformance with specific site location, development, and operation standards as required by this Ordinance? Explain.

CONDITIONAL USE NARRATIVE – Describe the proposed project in detail. Include all types of business activities that will be conducted on-site, any out-door storage or seating proposed, anticipated traffic, access for pick-up/delivery vehicles, proposed improvements, etc. Use the space below or provide a separate type written sheet of paper and attach. Staff will provide guidance as needed on additional information needed in the narrative.

NARRATIVE

I want to park our camper on our property for vacationing.

87420107.000 COOLEY KAREN M



87420108.000 COOLEY KAREN M

PIDN: 87420108.000

GISP: 769.32-04-0094.00M

Owner Information

Percent of Ownership: 100

Name: COOLEY KAREN M

Name 2:

Mailing Address: 134 LATROY COOLEY RD
LUCEDALE MS
39452

Site Address: 3224 WILLIS DR GAUTIER

Land Information

Section: 32 Acreage: 0

Township: 7

Range: 6

Street Name WILLIS
DR

Value and Tax Information

Total Assessed Value: 6113

Total Appraised Value: 40750

Improvement Value: 8320

Land Value: 32430

Tax Amount: 878

SQ FT: 0

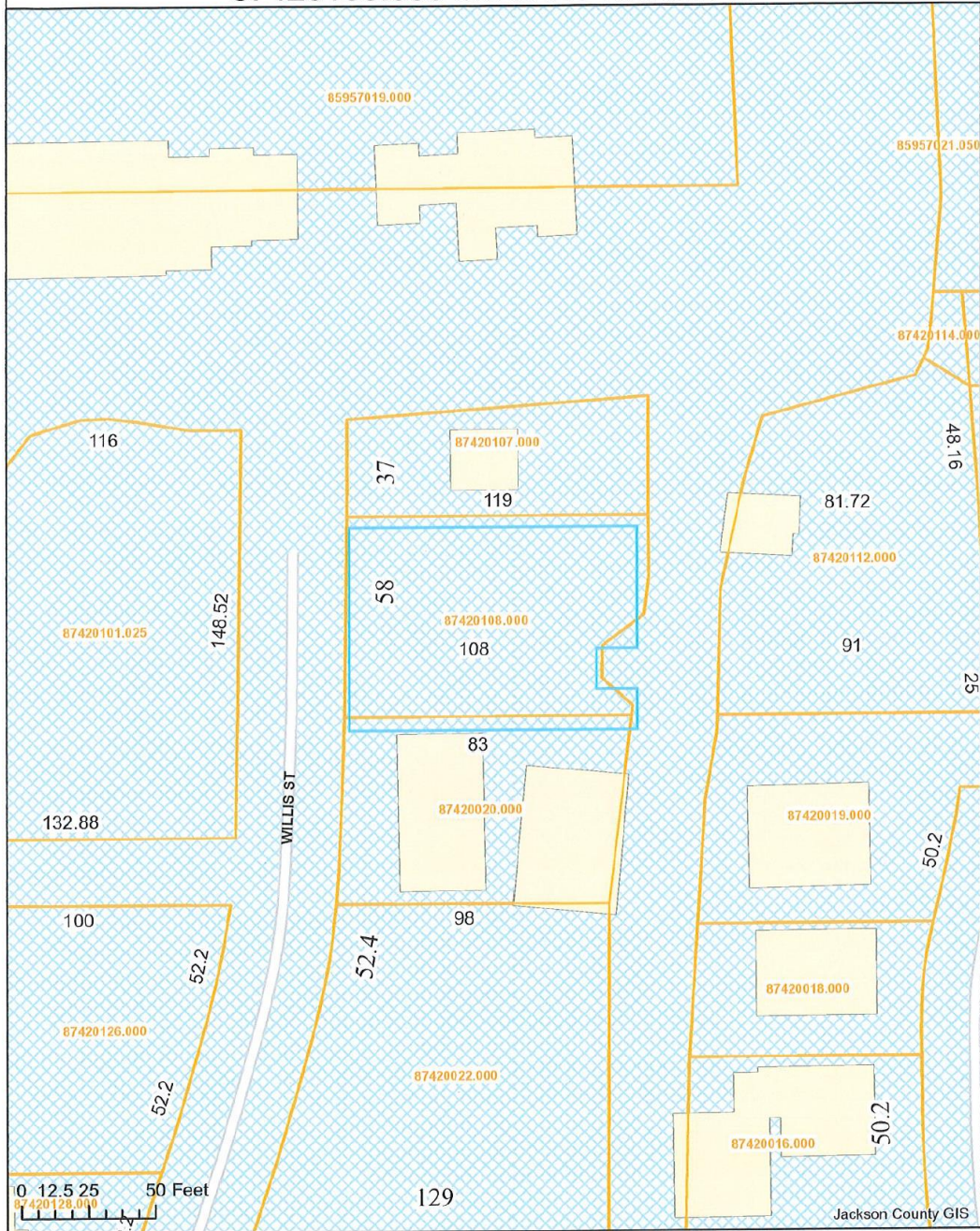
Year Built: 0

Legal Description

Description: LOT 8 & LOT 9 LESS S 25' WILLIS
HGTS S/D #3 DB 1830-99 (94M Map7
69.32-04)

Deed Book / Page: 1830 / 99

87420108.000 COOLEY KAREN M



87420107.000 COOLEY KAREN M

PIDN: 87420107.000

GISP: 769.32-04-0096.00

Owner Information

Percent of Ownership: 100

Name: COOLEY KAREN M

Name 2:

Mailing Address: 134 LATROY COOLEY RD
LUCEDALE MS
39452

Site Address: 3228 WILLIS DR GAUTIER

Land Information

Section: 32 Acreage: 0

Township: 7

Range: 6

Street Name WILLIS
DR

Value and Tax Information

Total Assessed Value: 3696

Total Appraised Value: 24640

Improvement Value: 11340

Land Value: 13300

Tax Amount: 531

SQ FT: 0

Year Built: 0

Legal Description

Description: LOT 7 WILLIS HTS S/D #3 & RESERV
ED AREA ON NORTHERN TERMINUS OF
WILLIS ST DB 2092-405 (96 MAP769
.32-04)

Deed Book / Page: 2092 / 405

87420107.000 COOLEY KAREN M

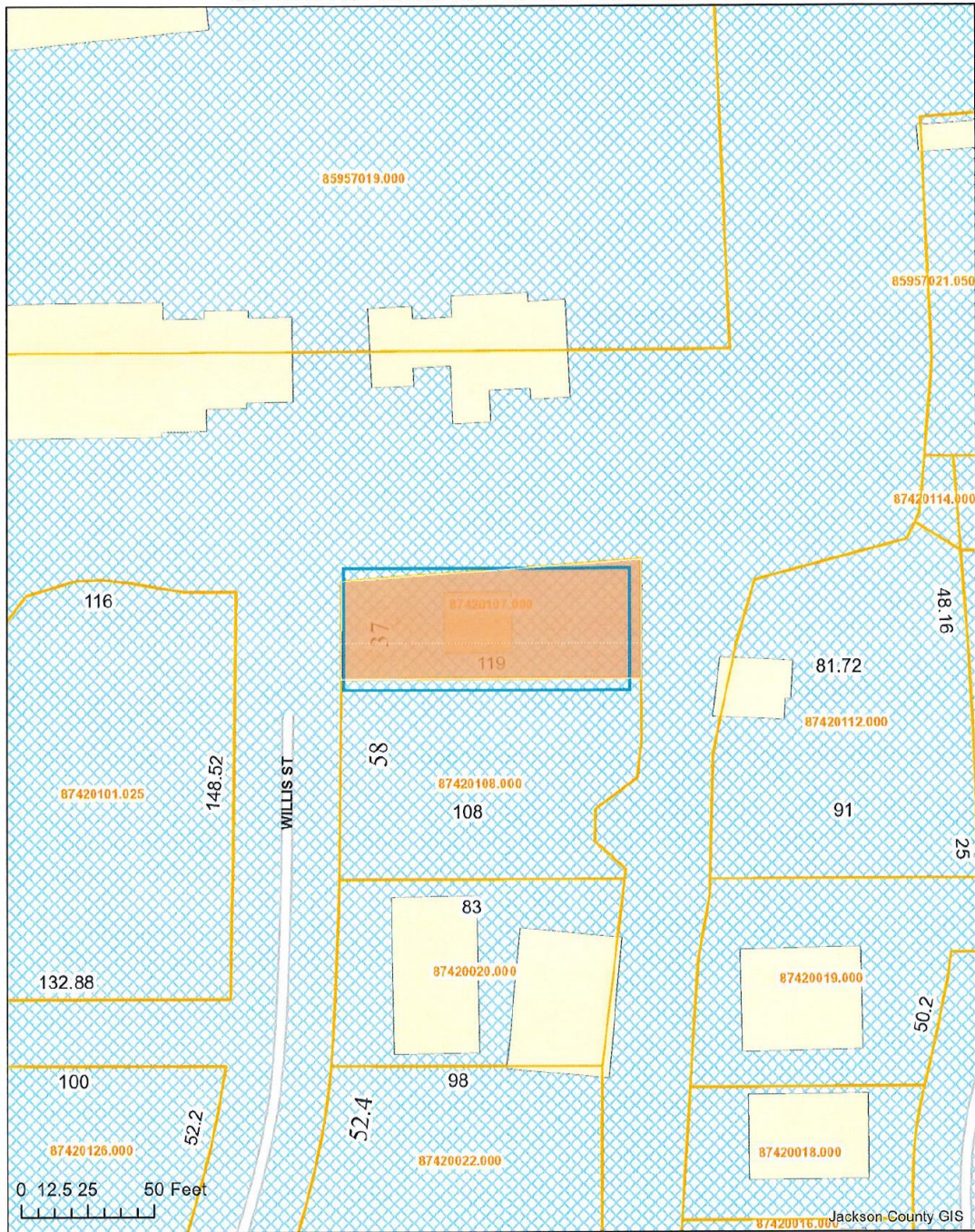


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department



Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

- AG
- C-1
- C-2
- C-3
- I-2
- MURC-1
- MURC-2
- MURC-MW
- PL
- PUD
- R-1
- R-2
- R-3
- RE
- TC

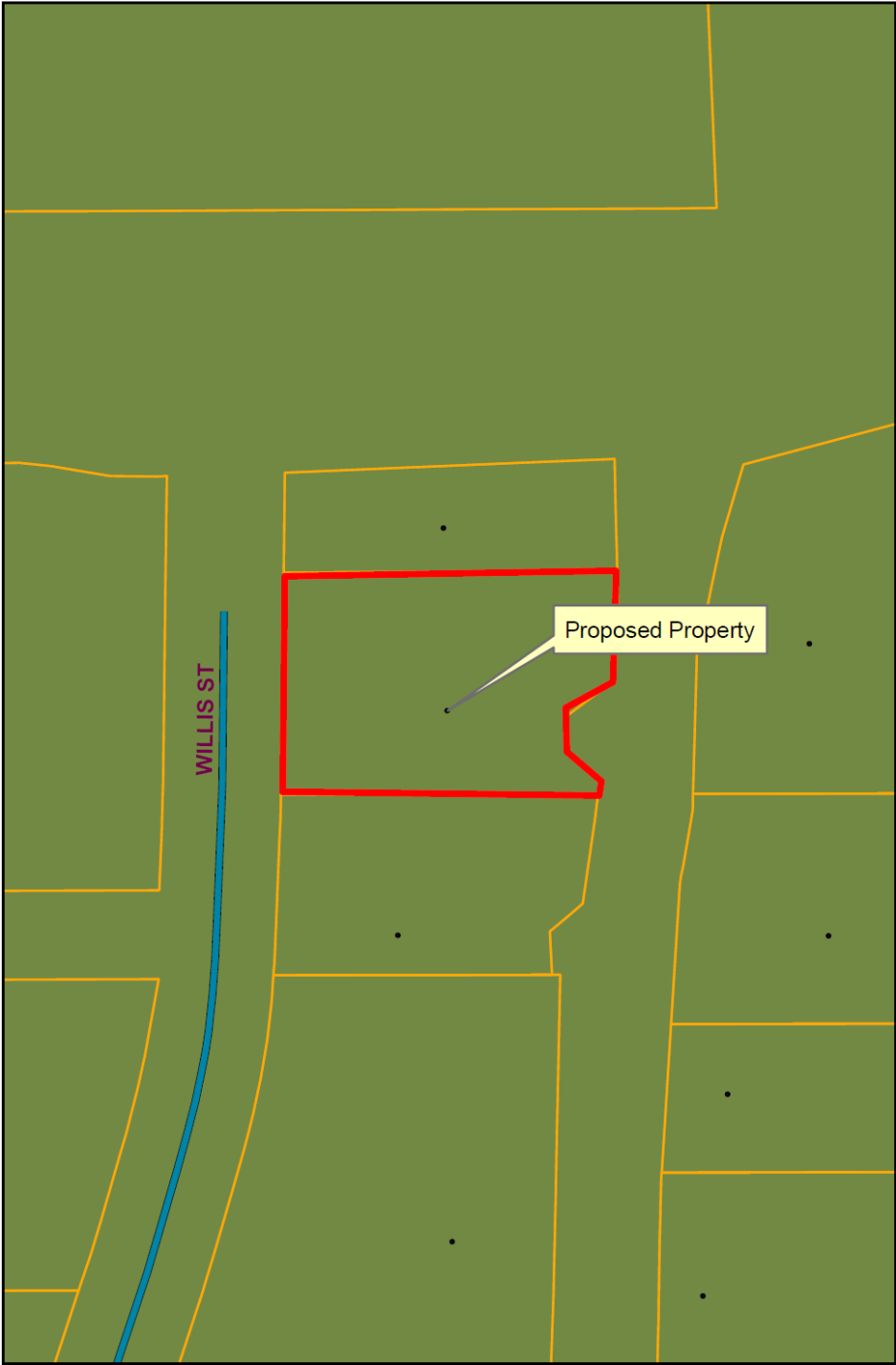


Exhibit C

Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

- commercial-retail
- conservation
- civic
- industrial
- marina/fish camps
- high density residential
- mobile home
- mobile home park
- medium density residential
- office
- recreation
- very low to low density residential
- utility
- vacant

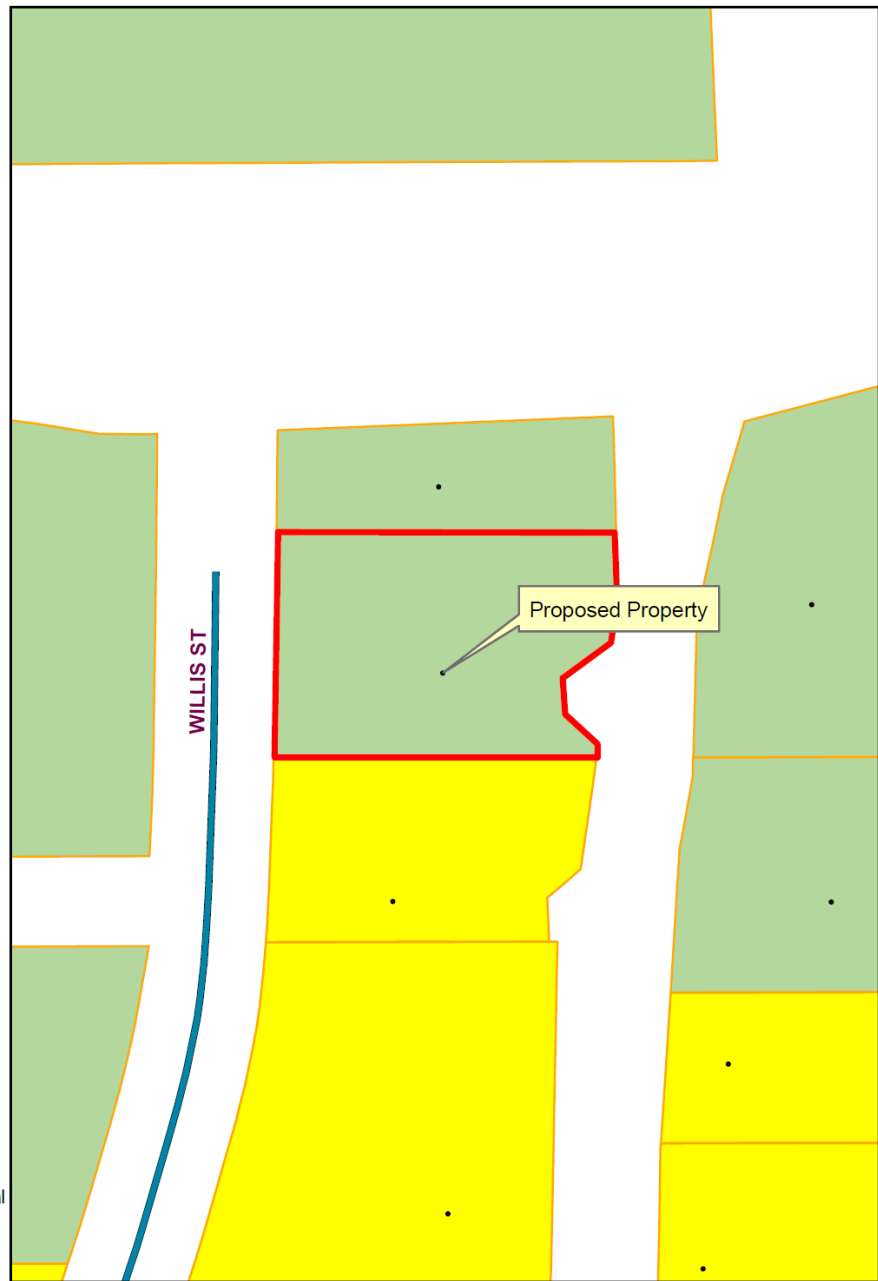


Exhibit D Future Land-Use

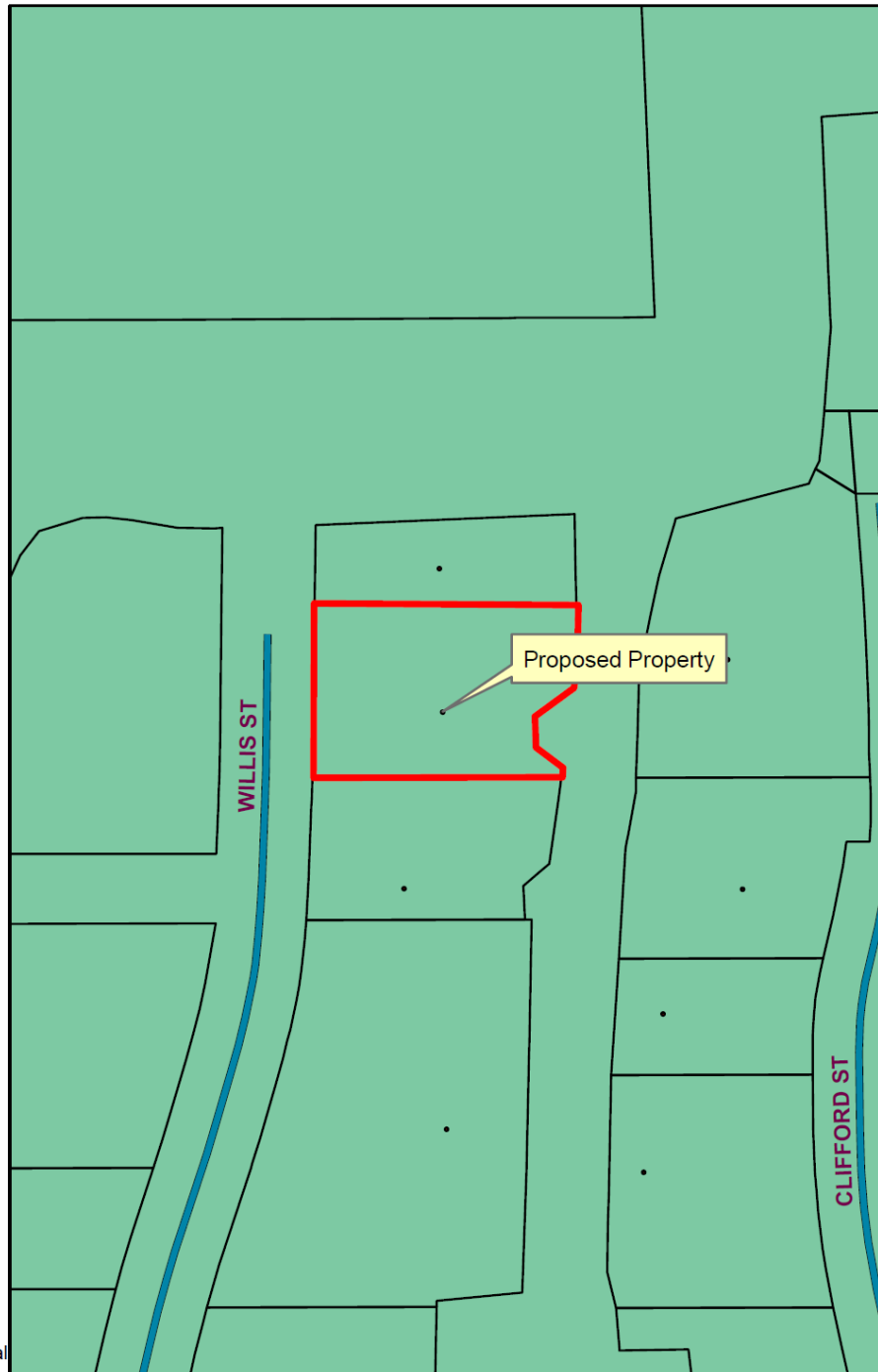
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

-  Civic
-  high impact commercial
-  Conservation
-  High Density Residential
-  Industrial
-  Low Density Residential
-  Medium Density Residential
-  Mobile Home Residential
-  low impact Commercial
-  Recreational
-  recreational commercial
-  Regional Scale Commercial
-  mixed use residential
-  Town Center
-  Very Low Density Residential



Gautier Planning Commission

Regular Meeting Agenda

July 11, 2024

GPC #24-24-SE

James Thomas

913 Roys Road

VII. NEW BUSINESS

6. Consider a request for a Special Exception that would allow an accessory building on a lot without a primary structure in a R-1 Low Density Single-Family Residential Zoning District. 913 Roys Road, (GPC #24-24-SE)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: July 3, 2024

Subject: Consider a request for a Special Exception that would allow an accessory building on a lot without a primary structure in a R-1 Low Density Single-Family Residential Zoning District, 913 Roys Road. (GPC #24-24-SE)

REQUEST:

The Planning Department has received a request from James Thomas for a Special Exception that would allow an accessory building on a lot without a primary structure in a R-1 Low Density Single-Family Residential Zoning District at 913 Roys Road, PID #81807061.050 (GPC #24-24-SE). The application fee of \$250 was paid on May 15, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned R-1 Low Density Single-Family Residential.

1. Location: 913 Roys Road, PID #81807061.050 (See Exhibit A)
2. General features of the proposed project:
Lot Size: 0.63 acres
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): R-1 Low Density Single-Family Residential
5. Current Surrounding Zoning (See Exhibit B): R-1 Low Density Single-Family Residential
6. Current Surrounding Existing Land Use (See Exhibit C): Residential, Vacant
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Low Density Residential.

DISCUSSION:

The following addresses the review criteria for a Special Exception outlined in Section 4.16.4 of the UDO.

1. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant?

Applicant Response: *There are other accessory structures in the area.*

Staff Finding: *Unsubstantiated*

2. Explain how the requested Special Exception will be in harmony with the purpose of the City of Gautier's Unified Development Ordinance and will not be injurious to the neighborhood or the general welfare?

Applicant Response: *It will not be injurious to the neighborhood.*

Staff Finding: *Staff's opinion is that approval of the request will not negatively affect the neighborhood.*

3. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant.

Applicant Response: *We would like to move our shed to this lot.*

Staff Finding: *Unsubstantiated*

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines a Special Exception as a relaxation of the terms of the Unified Development Ordinance where such an exception will not be contrary to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the ordinance would result in undue hardship. Special Exceptions are necessary when an applicant seeks to establish or expand a use not ordinarily permitted in a specific zoning district. "Special Exceptions" are not transferable from one (1) owner of land to another.
2. Special Exception requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).
3. Once an application for a Special Exception is submitted to the Planning Department, the procedures outlined in UDO Section 4.14.1 will be followed. At the appropriate time, The Planning Commission will conduct a public hearing to determine whether the applicant meets all relevant criteria, and make a recommendation to City Council pursuant to UDO Section 4.14.4. City Council, pursuant to UDO Section 4.14.4(C), will then consider the matter at its next regularly scheduled meeting and approve or deny the Special Exception.

4. A Special Exception is required for uses not ordinarily permitted in a specific zoning district. Special Exceptions are not permitted by right, and may only be granted when certain criteria are established. (4.16.4)
5. Special Exceptions do not run with the land, and may be revoked by the Planning Department if any of the following circumstances are discovered:
 - A. The property changes ownership
 - B. The property is being utilized in a manner not permitted under the zoning regulations or the special exception; or
 - C. The property ceases to be used for the purpose allowed in the Special Exception for a period of one hundred eighty (180) days during the existence of the Special Exception.

The UDO defines **Hardship** as:

Hardship means the unnecessary hardship that would result from a failure to grant the requested variance or special exception. An unnecessary hardship exists if:

- (1) the land in question cannot yield a reasonable return if used only
 - (a) for a purpose allowed in that zone (applicable to special exceptions), or
 - (b) as permitted by the dimensional requirements of this ordinance (applicable to variances);
- (2) that the plight of the owner is due to unique circumstances of the land for which the variance or special exception is sought; and
- (3) that the use to be authorized by the variance will not alter the essential character of the locality.

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets the "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the Special Exception;
2. Recommend that City Council approve the Special Exception with changes; or
3. Recommend that City Council deny the Special Exception.

ATTACHMENTS:

1. Applicant's Exhibit 1 – Application
2. City's Exhibit A – Location Map
3. City's Exhibit B – Existing Zoning Map
4. City's Exhibit C – Existing Land Use Map
5. City's Exhibit D – Future Land Use Map

PLANNING DEPARTMENT
GAUTIER, MISSISSIPPI

SPECIAL EXCEPTION HEARING APPLICATION

Public Hearing Number

24-24-SE

TYPE OF REQUEST:

Special Exception

FEE:

\$251.00

*Includes \$1.00 filing fee per MS Code §25-60-5

Special Exception— These uses are not allowed by right and **require** a recommendation by the Planning Commission and approval of the City Council.

Name of Applicant: James Thomas

Name of Business: _____

Address: 913 Boys Rd Gautier, MS 39553

Mailing Address (if different): 905 Susan Circle Gautier, MS 39553

Email Address: Tristardipasala@att.net

Phone: 228-219-6995 Cell Phone: " "

Reason for request, location and intended use of Property: I would like to put an accessory structure on a lot without a primary structure

ATTACHMENTS REQUIRED AS APPLICABLE:

- ☒ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- ☒ 2. Legal descriptions and street address.
- ☒ 3. A detailed project narrative that also addresses the questions on the "Criteria for Approval" page of this application.
- ☒ 4. Copy of protective covenants or deed restrictions, if any.
- ☒ 5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- ☒ 6. Any other information requested by the Planning Director.
- ☒ 7. Owner's Consent form if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant: _____

FOR OFFICE USE ONLY

Date Received 5/15/24 Verify as Complete Babo / Scott

Fee Amount Received 251.00

Initials of Employee Receiving Application Babo

SPECIAL EXCEPTION

Criteria for Approval Special Exception

- A. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant? *There are other accessory structures in area*
- B. Explain how the requested Special Exception will be in harmony with the purpose and intent of the City of Gautier's Unified Development Ordinance and will not be injurious to the neighborhood or the general welfare? *It will not be injurious to the neighborhood*
- C. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant? *We would like to move our shed to this lot.*

81807061.050 THOMAS JAMES

PIDN: 81807061.050

GISP: 764.19-02-0156.00

Owner Information

Percent of Ownership: 100

Name: THOMAS JAMES

Name 2:

Mailing Address: 905 SUSAN CIR
GAUTIER MS
39553

Site Address: 913 ROYS RD GAUTIER

Land Information

Section: 7 Acreage: 0.63

Township: 7

Range: 6

Street Name ROYS
RD

Value and Tax Information

Total Assessed Value: 2897

Total Appraised Value: 19310

Improvement Value: 690

Land Value: 18620

Tax Amount: 416

SQ FT: 0

Year Built: 0

Legal Description

Description: BEG INTERS S/M ROY BORRIES RD &
W/M SUSAN CIRCLE SLY ALG SUSAN C
IRCLE 200' SWLY ALG DEAD RIVER R
D 100.8' N 282.1' TO S/M ROY BOR
RIES RD ELY 128.9' BACK TO POB D
B 2002-497 (156 MAP764.19-02)

Deed Book / Page: 2002 / 497

81807061.050 THOMAS JAMES



Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department



Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

AG
C-1
C-2
C-3
I-2
MURC-1
MURC-2
MURC-MW
PL
PUD
R-1
R-2
R-3
RE
TC

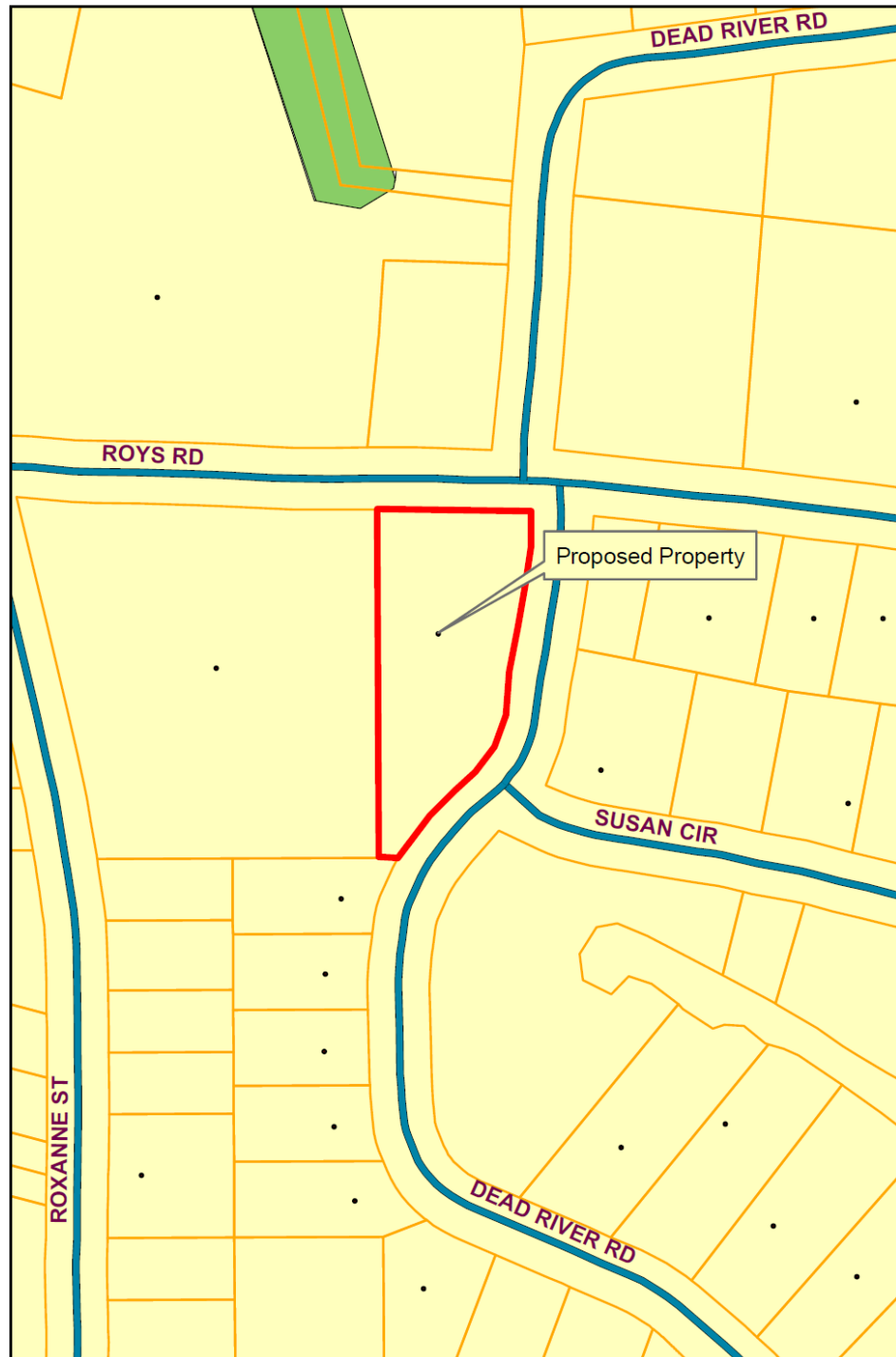


Exhibit C Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

	commercial-retail
	conservation
	civic
	industrial
	marina/fish camps
	high density residential
	mobile home
	mobile home park
	medium density residential
	office
	recreation
	very low to low density residential
	utility
	vacant

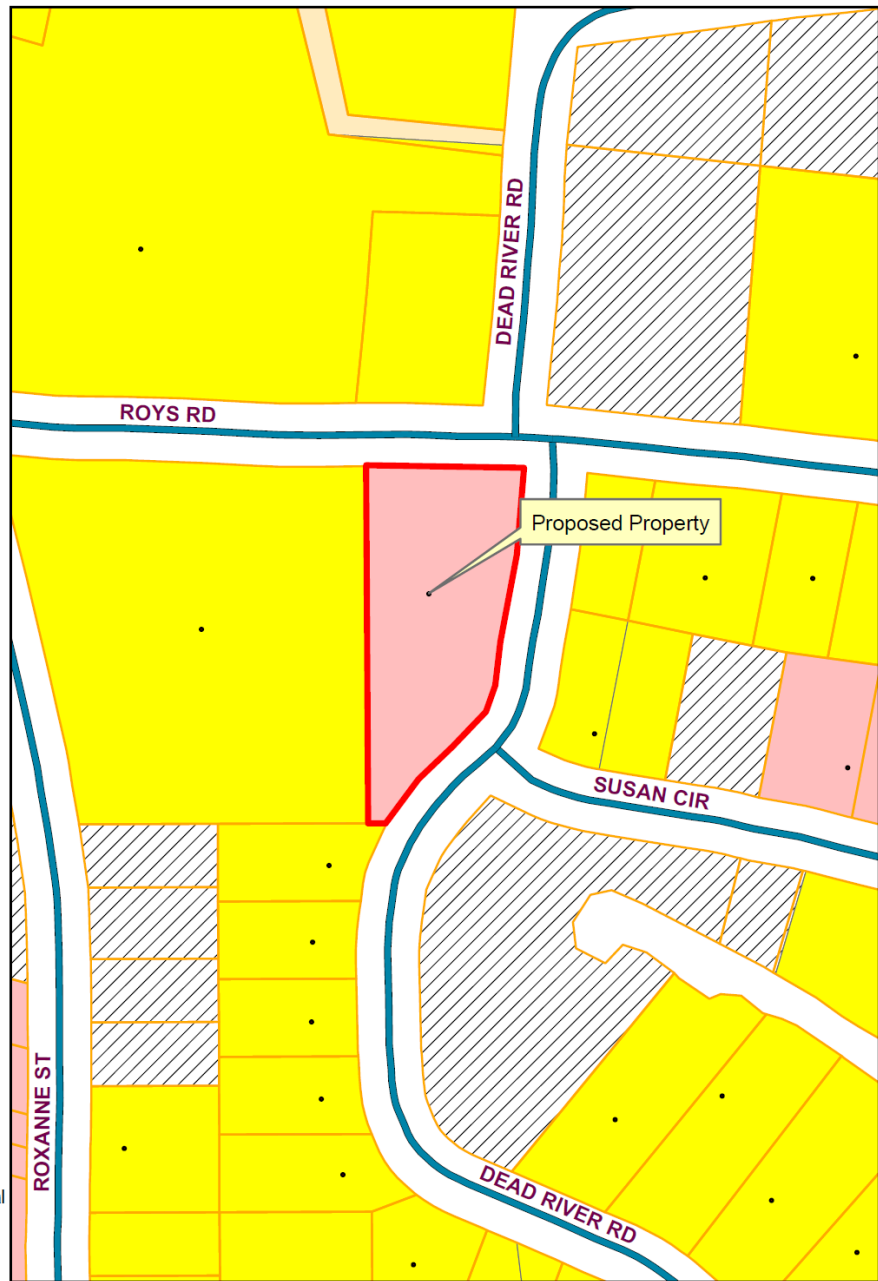


Exhibit D

Future Land-Use

Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

-  Civic
-  high impact commercial
-  Conservation
-  High Density Residential
-  Industrial
-  Low Density Residential
-  Medium Density Residential
-  Mobile Home Residential
-  low impact Commercial
-  Recreational
-  recreational commercial
-  Regional Scale Commercial
-  mixed use residential
-  Town Center
-  Very Low Density Residential



Gautier Planning Commission

Regular Meeting Agenda

July 11, 2024

GPC #24-25-VAR

3001 Ladnier Road

VII. NEW BUSINESS

7. Consider a request for a seventeen (17) square foot variance to sign square footage requirements previously approved as a Special Exception located in a R-1 Low Density Single-Family Residential Zoning District. 3001 Ladnier Road, (GPC #24-25-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: July 3, 2024

Subject: Consider a request for a seventeen (17) square foot variance to sign square footage requirements previously approved as a Special Exception located in a R-1 Low Density Single-Family Residential Zoning District at 3001 Ladnier Road, (GPC #24-25-VAR)

REQUEST:

The Planning Department has received a request from PROMISS for a seventeen (17) square foot variance to sign square footage requirements previously approved as a Special Exception located in a R-1 Low Density Single-Family Residential Zoning District at 3001 Ladnier Road, PID #85106184.000 (GPC #24-25-VAR). The application fee of \$175 was paid on May 21, 2024. All public notice requirements have been met.

BACKGROUND:

In August 2006, a Conditional Use was approved for PROMISS, a non-profit Pregnancy Resource Center, that would allow them to be located in an R-1 Single Family Residential Zone at 3001 Ladnier Road. One of the conditions placed on the approval of the Conditional Use was that the only sign allowed would be what was allowed for a Home Occupation which was one unanimated, non-illuminated sign not to exceed one square foot in area mounted flush against the main building. The applicant is asking to be allowed to put up an eighteen square foot sign that would be mounted against the main building.

DISCUSSION:

The applicant is asking for a 17 square foot variance to the signage that was allowed when she was granted the Conditional Use.

DETERMINATION OF APPLICABLE LAW:

The Unified Development Ordinance (UDO) defines **Variances** as:

A Variance is a relaxation of the terms of the Unified Development Ordinance where such Variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, a literal enforcement of the Ordinance would result in an unnecessary or undue hardship. As used in this Ordinance, a Variance is authorized only for height, area and size of structure, or size of yards, separation of uses, open spaces, off-street parking spaces and some subdivision of property. The establishment or expansion of a use not permitted shall not be allowed by Variance.

The UDO defines **Hardship** as:

Hardship means the unnecessary hardship that would result from a failure to grant the requested variance or special exception. An unnecessary hardship exists if:

- (1) the land in question cannot yield a reasonable return if used only
 - (a) for a purpose allowed in that zone (applicable to special exceptions), or
 - (b) as permitted by the dimensional requirements of this ordinance (applicable to variances);
- (2) that the plight of the owner is due to unique circumstances of the land for which the variance or special exception is sought; and
- (3) that the use to be authorized by the variance will not alter the essential character of the locality.

UDO SECTION 4.18: Variance

In certain circumstances, a Variance from the dimensional requirements (i.e. height, setbacks, square footage) of this ordinance may be granted if the applicant can prove that because of physical constraints of the property involved, he is not able to build the same type of structure that other persons with the same zoning classification can build. Variances for uses permitted will not be considered in as much as “use Variances” are not legal in the State of Mississippi.

Most Variances must be granted by the City Council; however, certain minor Variances may be granted by the Economic Development Director in accordance with *Section 4.18.3* below.

4.18.1 Who May Initiate

A request for a Variance may be initiated by the property owner or agent of the owner provided that said property has not been denied a previous request for a Variance for the same property or portion of property within the past twelve (12) months.

4.18.2 Application for Variance

Applications for a Variance (from dimensional requirements) may be filed on the appropriate application available from the Economic Development/Planning Department and shall include all requested information, attachments and submittals:

4.18.3 Administrative Variances

The following dimensional variances may be granted by the Economic Development Director at his/her discretion (Note: Within the COR, Corridor Overlay District, applicants shall be required to mitigate a requested dimensional variance in accordance with the Tier Land Use Provisions in Section 5.11):

- A. 30% of required off-street parking spaces and/or
- B. 30% of required setbacks from property lines

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

- A. That special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are

not applicable to other sites (lots or parcels) or structures or buildings in the same district;

- B. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance;
- C. That the special conditions and circumstances do not result from actions of the applicant; and
- D. That granting the Variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other similar sites (lots or parcels) structures or buildings in the same district.

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets all "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

- 1. Recommend that City Council approve the variance request as presented;
- 2. Recommend that City Council approve the variance request with changes; or
- 3. Recommend that City Council deny variance request.

ATTACHMENTS:

- 1. Applicant's Exhibit 1 – Application
- 2. City's Exhibit A – Location Map
- 3. City's Exhibit B – Existing Zoning Map
- 4. City's Exhibit C – Existing Land Use Map
- 5. City's Exhibit D – Future Land Use Map

GAUTIER, MISSISSIPPI

PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

24-25-VAR

TO BE HEARD BY GAUTIER PLANNING COMMISSION:

FEE:

Variance

\$176.00

*Includes \$1.00 filing fee per MS Code §25-60-5

Name of Applicant:

Rachele K. Nilsen

Name of Business:

PROMISS

Phone:

228-297-6477

Property Address:

3001 Ladnier Rd.

Mailing Address (if Different):

P.O. BOX 1226 Gautier

E-Mail Address:

Contactpromiss@gmail.com

Reason for request, location and intended use of Property:

Request Variance for Signage -

Advertising of Business, Property Address 17sf Variance

ATTACHMENTS REQUIRED AS APPLICABLE:

- ☒ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- ☒ 2. A detailed project narrative.
- ☒ 3. Copy of protective covenants or deed restrictions, if any.
- ☒ 4. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- ☒ 5. Any other information requested by the Planning Director.

Signature of Applicant:

Rachele K. Nilsen

Date of Application:

4-22-24

FOR OFFICE USE ONLY

Date Received

5/21/24

Verify as Complete

BL/SA

Fee Amount Received

176.00

Initials of Employee Receiving Application

Balus

OWNERS CONSENT AND DESIGNATION OF AGENCY - VARIANCE

I, Rachel K. Nilsen, Director, the fee simple owner of the following described property (give legal description):

Lot 184 of College Park West Subdivision as per map or
plot thereof recorded in Book 12, Page 37,
Records of Plots of Jackson County, Mississippi.

hereby petition to the City of Gautier to Grant a Variance of Dimension / Requirements
from 1 ft by 1 ft to 6 ft by 8 ft for Sign located at 3001 Lachner Rd. Gautier.

and affirm that Rachel Nilsen is hereby
designated to act as agent on my behalf to accomplish the above.

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand this application; attachments and fees become part of the official records of the City of Gautier, MS, and are not returnable.

Rachel K. Nilsen
(Owner's Signature)

The foregoing instrument was acknowledged before me this 21 day of May,
2024 by Rachel Nilsen,
who is personally known to me or has produced AL DL
as identification and who did take an oath.

Shanta Butler
(Printed Name of Notary Public)

Shanta Butler
(Signature of Notary Public)



Commission # 168557. My commission expires 11/26/2027

VARIANCE

Criteria for Approval

1. What special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels), or structures or buildings in the same district?
 PROMISS provides free support to expectant parents and received a special use permit to operate at property address previously described. Original conditional use says 1ft x 1ft sign. We request larger signage to advertise services.
2. Are these special conditions and circumstances a result of your actions? Explain.
 PROMISS provides at no cost support that families in Gaubier and Jackson Co. need, including diapers, wipes, and baby clothing for support of their developing babies and toddlers. We wish to have signage that they can see from Ladner.
3. How will the literal interpretation of the provisions of this Ordinance deprive you of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance? Explain.
 This request is made not because the ordinance deprives PROMISS of any rights, but because we want families in Gaubier who need our services to see that we are available to help them. Thank you!
4. Will the granting of the Variance requested confer upon you any special privilege that is denied by this Ordinance to other similar sites (lots or parcels), structures or buildings in the same district? Explain.
 We are located in a residential zone. We are not aware if our request is a privilege denied by the ordinance to other parcels. We were just informed that to get larger signage than 1ft by 1ft, we needed to request a variance. Thank you.

NARRATIVE

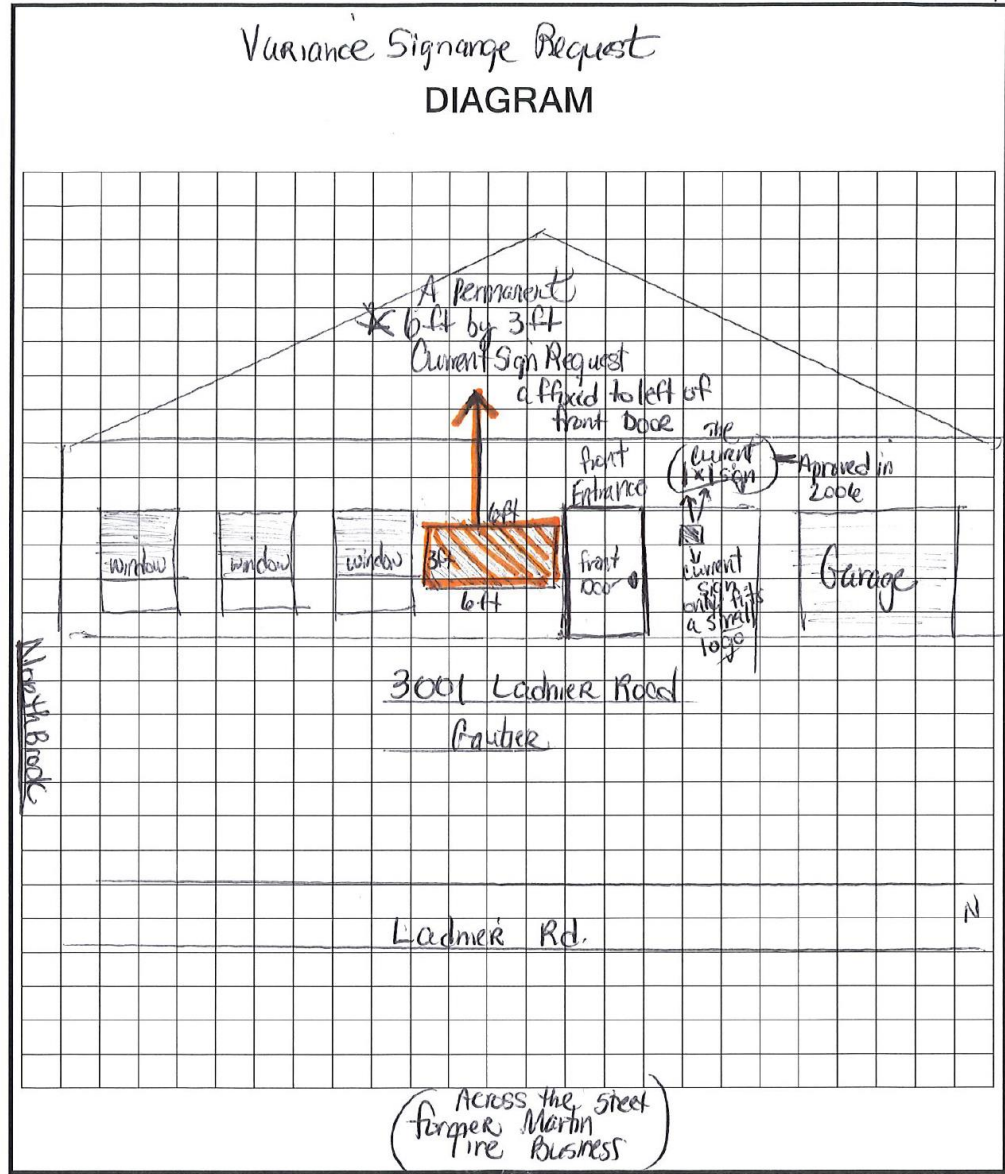
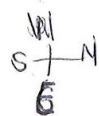
The Promise Center provides free diapers, wipes, formula, baby clothing, parenting / prenatal lessons, pregnancy tests, and prenatal counseling to families in Galber and the MS Gulf Coast.

We received a special use permit in 2006 to operate our non-profit program. At the time, since we did not address our signage need during the hearing, we were given approval for a 1ft by 1ft sign since that is the dimension in the ordinance for buildings in a residential^{2nd}. We thought this ordinance applied to permanent signage, not yard signs that are mobile, like small campaign signs that are placed on many residential properties or a banner removed when we are not on site. After being informed by the Code Enforcement officer that we were violating the original 1ft by 1ft signage, we removed all signage from our property to comply. However, families needing free support for their babies can no longer see we are available for them when they travel Ladner Rd.

We request a permanent 6ft by 3ft sign to be affixed directly to the left of our door on the brick facing of our center as described in Diagram.

Thank you kindly Rachel Nise

Variance Signage Request DIAGRAM



100-00

The Sign would be Affixed Directly to Brick Facing in Space Located to left of front Door Entrance and just right of the first window closest to the front Door. It would provide our Name + PHONE and Telephone Number in Font Large enough for visibility from Ladner Road.
Thank you.

60/60



See "Diagram"
New
Sign
6ft by 3ft
Variance
Request
(visible to
Ladnier
Rd.)

Current
Sign
1ft by 1ft
sign

85106184.000 PREGNANCY RESOURCES OF MS

PIDN: 85106184.000

GISP: 871.02-01-0274.00

Owner Information

Percent of Ownership: 100

Name: PREGNANCY RESOURCES OF MS

Name 2:

Mailing Address: PO BOX 1226
GAUTIER MS
39553

Site Address: 3001 LADNIER RD GAUTIER

Land Information

Section: 2 Acreage: 0

Township: 8

Range: 7

Street Name LADNIER
RD

Value and Tax Information

Total Assessed Value: 0

Total Appraised Value: 60669

Improvement Value: 58159

Land Value: 2510

Tax Amount: 0

SQ FT: 1194

Year Built: 1970

Legal Description

Description: LOT 184 COLLEGE PARK WEST S/D PB
12-37 SEC 13/14-8-7 DB 1448-805
(274 MAP871.02-01)

Deed Book / Page: 1448 / 805

85106184.000 PREGNANCY RESOURCES OF MS



Jackson County GIS

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department



Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

AG	AG
C-1	C-1
C-2	C-2
C-3	C-3
I-2	I-2
MURC-1	MURC-1
MURC-2	MURC-2
MURC-MW	MURC-MW
PL	PL
PUD	PUD
R-1	R-1
R-2	R-2
R-3	R-3
RE	RE
TC	TC

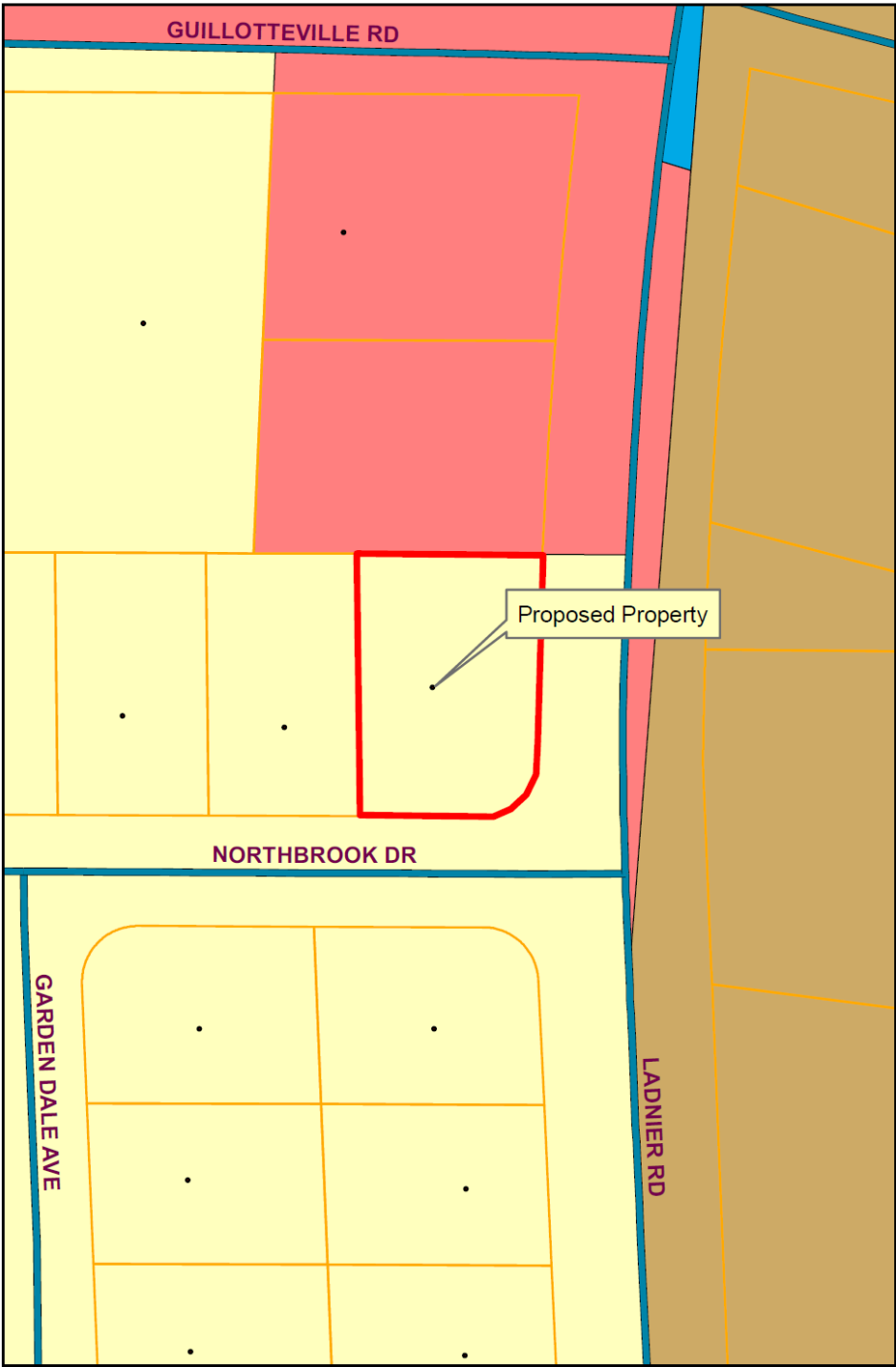


Exhibit C

Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

- commercial-retail
- conservation
- civic
- industrial
- marina/fish camps
- high density residential
- mobile home
- mobile home park
- medium density residential
- office
- recreation
- very low to low density residential
- utility
- vacant

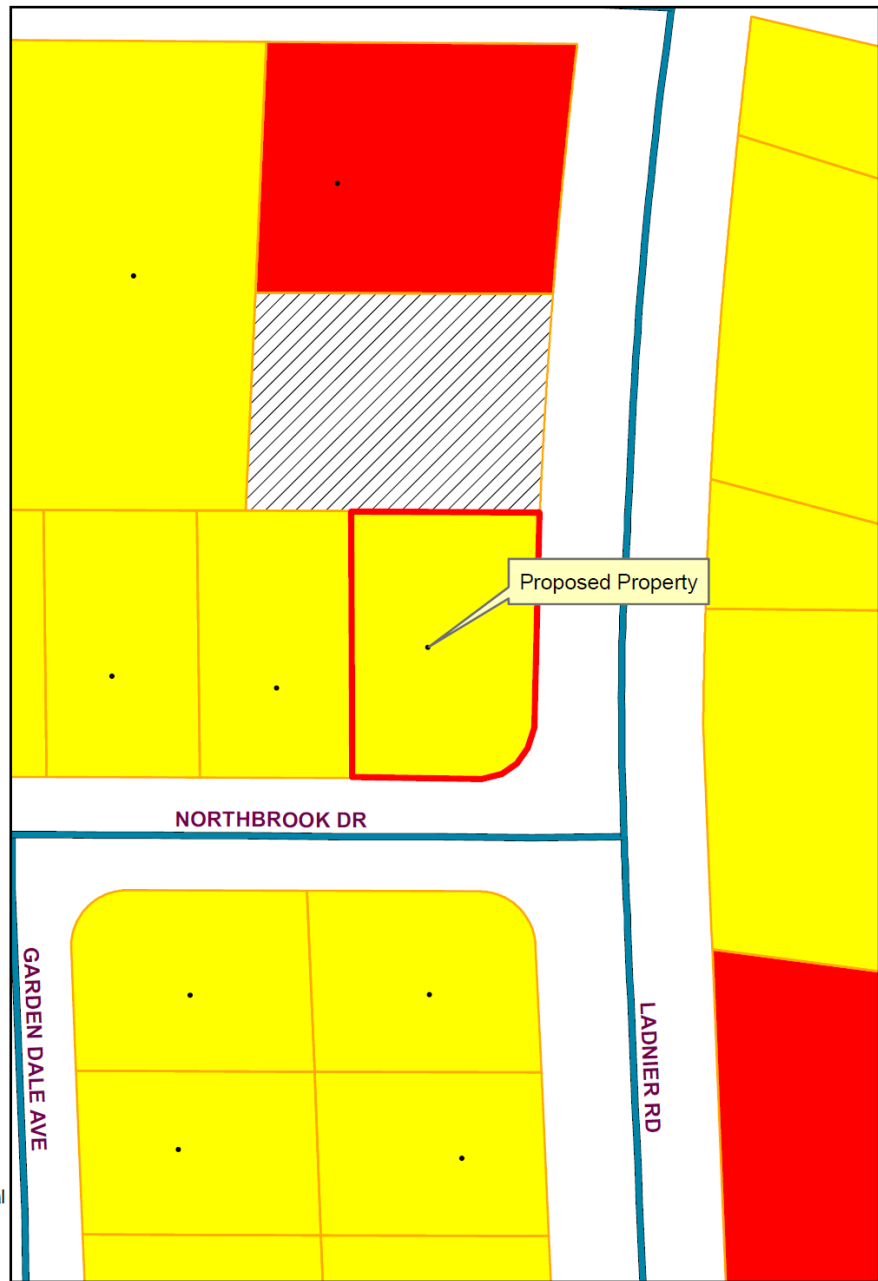


Exhibit D

Future Land-Use

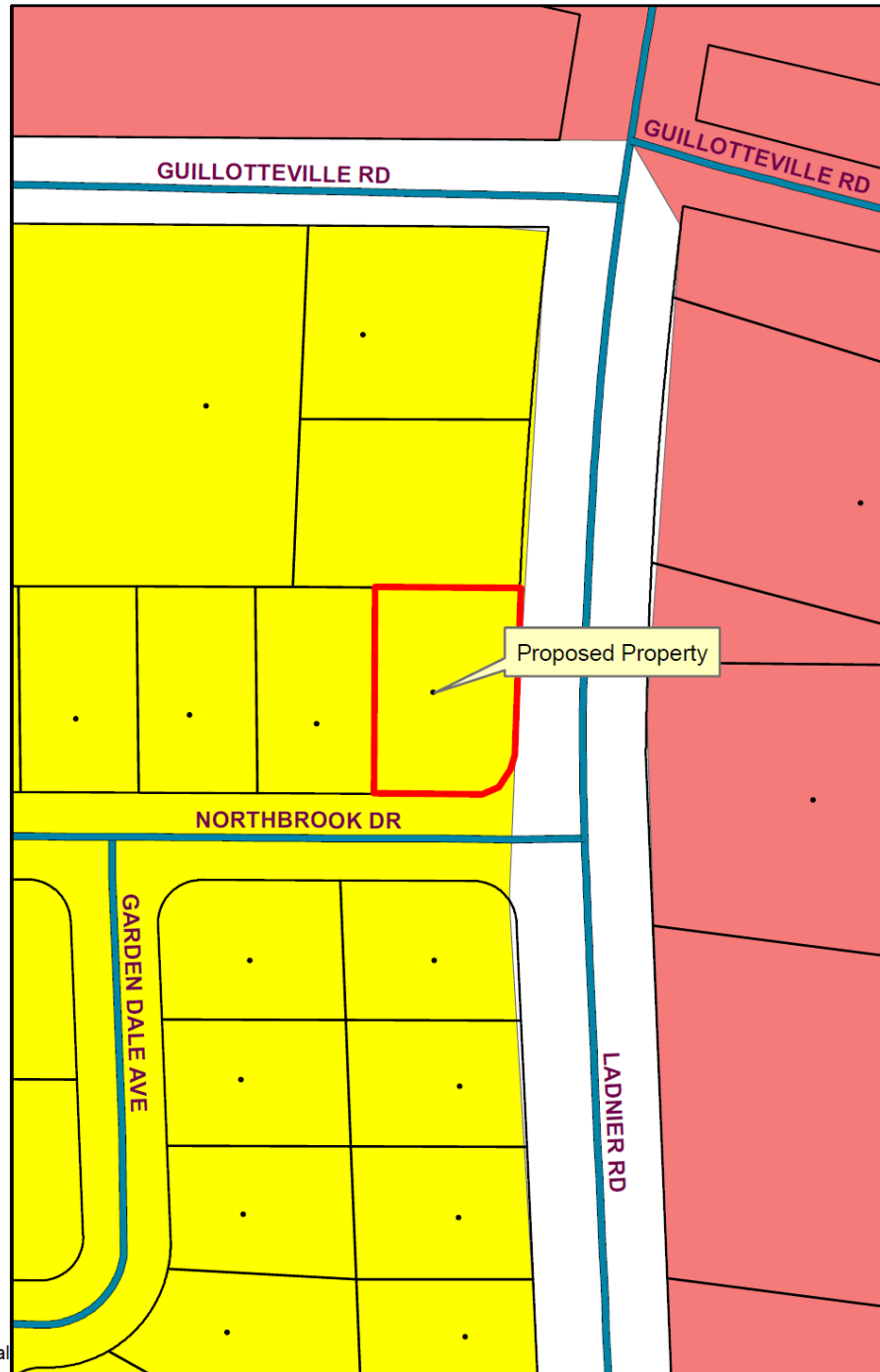
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

-  high impact commercial
-  Civic
-  Conservation
-  High Density Residential
-  Industrial
-  Low Density Residential
-  Medium Density Residential
-  Mobile Home Residential
-  low impact Commercial
-  Recreational
-  recreational commercial
-  Regional Scale Commercial
-  mixed use residential
-  Town Center
-  Very Low Density Residential



**AUGUST 1, 2024
GAUTIER, MISSISSIPPI**

BE IT REMEMBERED that a meeting of the Gautier Planning Commission of The City of Gautier, Mississippi, was held on August 1, 2024, at 5:30 PM in the Council Chambers of the Gautier Municipal Building at 3330 Highway 90, Gautier, Mississippi.

Commission Members present were: Chairman Kay C. Jamison, Commissioners Josh Ward, DeAnna McManus, Maurice Hudson, Chris Hoover, and William Davis. Also present were Scott Ankerson, Planning Director, Randy Pierce, standing in for the City Attorney, and Babs Logan, Planning Technician. Absent was Rick Decoteau.

AGENDA

GAUTIER PLANNING COMMISSION

AUGUST 1, 2024

5:30 P.M.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES (JULY 11, 2024)**
- V. PUBLIC COMMENTS
(MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA)**
- VI. OLD BUSINESS**
- VII. NEW BUSINESS**
 - 1. Consider a request for a Property Owner Initiated Rezoning of Property located at 2510 College Circle, PID #82435010.075, from PL Public Land to C-2 Community Commercial (GPC Case No. 24-27-RZ)
 - 2. Consider a request for a fifteen-foot (15') variance to secondary front yard setback requirements for a fence in a R-1 Low Density Single-Family Residential Zoning District. 1216 Grandview Drive, (GPC #24-28-VAR)

3. Consider a request for a Special Exception that would allow an accessory structure on a lot without a primary structure in a MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District. 3204 Willis Drive, (GPC #24-29-SE)
4. Consider a request for a Conditional Use-Major that would allow a church in a C-2 Community Commercial Zoning District. 7417 Martin Bluff Road (GPC #24-30-CU)

VIII. GENERAL DISCUSSION

- A. PREVIOUS CASE UPDATES
- B. PERMIT & TRC REPORTS

IX. ADJOURN

Commissioner Ward made a motion to approve the Agenda.

Commissioner Hoover seconded the motion, and the following vote was recorded:

AYES: **Kay C. Jamison**
 Josh Ward
 DeAnna McManus
 Maurice Hudson
 Chris Hoover
 William Davis

ABSENT: **Ricky Decoteau**

Motion Passed

Chairman Jamison advised that the Minutes from July 11, 2024, were being tabled because they had not been completed.

PUBLIC COMMENTS (MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA)

Ellen Malone said that in order to read the sign posted on the property of one of the cases, she had to walk down into a ditch to get close enough to the sign to read it. She said that the signs needed to be bigger and placed where people can see them.

Scott Ankerson, Planning Director, stated that posting the property was just an added measure of notice that we do. It is not required by law.

Chairman Jamison said that letters are sent out in accordance with the Unified Development Ordinance regarding Planning Commission cases. If she did not receive a letter, it was because she was not within the distance required for notification.

OLD BUSINESS - None

NEW BUSINESS

1. Consider a request for a Property Owner Initiated Rezoning of Property located at 2510 College Circle, PID #82435010.075, from PL Public Land to C-2 Community Commercial (GPC Case No. 24-27-RZ)

Scott Ankerson, Planning Director, gave a brief overview of the case. This is a 0.23-acre parcel that is located next to the Central Fire Station. There is an existing building on the parcel that was a Quick Lube type business at one time. Staff believes that this was rezoned as part of the rezoning in 2010 and that this parcel got included in the wrong delineation. The Fire Station is on a parcel zoned PL Public Land and the new business on Gautier Vancleave Road is on a parcel zoned C-2 Community Commercial. Staff believes the parcel in-between these two uses was mistakenly added to the Public Land zoned area. Staff believes there was a mistake in zoning.

REQUEST:

The Planning Department has received a request from Southern Oil Company for a rezoning of property located at 2510 College Circle, PID #82435010.075, from PL Public Land to C-2 Community Commercial (GPC Case No. 24-27-RZ). The parcel is approximately 0.23 acres. The application fee of \$300 was paid on June 4, 2024. All public notice requirements have been met.

BACKGROUND:

Section 4.15 of the City's Unified Development Ordinance (UDO) establishes the procedure to amend the City's Official Zoning Map. The Gautier Planning Commission (GPC) shall review a proposal for a rezoning and shall make an advisory recommendation to the City Council as to the need and justification for the change when the public welfare justifies such action. The GPC shall include in its recommendation to the City Council findings that the required rezoning criteria have been met.

DISCUSSION:

1. Location: 2510 College Circle, PID #82435010.075 (See Exhibit A)
2. Existing Zoning: PL Public Land. (See Exhibit B)

UDO 5.3.11 PL, Public Land - Purpose and intent. The purpose of this district is to provide for sites where governmental and quasi-governmental uses such as municipal and county facilities, schools, civic, cultural and historic sites as well as recreational facilities can be placed. This type of development is usually developed as a cohesive unit with internal streets and destinations. Due to the diversity of uses allowed, each use shall be considered a conditional use and subject to approval of the City Council. A change of use on land zoned PL shall require approval of the Council.

UDO 5.3.8 C-2, Community Commercial District - Purpose and intent. The purpose of this district is to provide areas of medium density commercial including a mixture of retail, professional services, and studios which cluster together. Community Commercial Districts are located primarily along transportation collectors such as Gautier-Vancleave. The co-location of professional services and civic uses shall be encouraged to strengthen industry and provide an attractive, pedestrian scale commercial corridor into the City.

DATA AND ANALYSIS:

Property requested for Rezoning: 2510 College Circle, PID #82435010.075.

Location: Ward 3

Current Zoning of the Request Property: PL Public Land

Existing Land Use: Vacant. (See Exhibit C)

Future Land Use: Civic. (See Exhibit D)

Surrounding Zoning: C-2 Community Commercial to the North and West, PL Public Land to the South and East.

HISTORY:

This property has a vacant building on it that was previously an oil change business. It is currently zoned PL Public Land.

REVIEW CRITERIA:

The Planning Commission, in its report and recommendation to the City Council on the appropriateness of the request, shall study and consider the following criteria and record that the evidence presented meets the “Criteria for Approval” from the UDO, if applicable.

- A. There was a mistake in the original zoning; **or**
- B. The character of the surrounding area has changed to such an extent as to justify rezoning **AND** there is a public need for additional property to be zoned in accordance with the request.

The Planning Commission shall not recommend approval of a rezoning unless the applicant has proven by clear and convincing evidence that either of the required criteria items above have been met.

STAFF RECOMMENDATION:

If recommending approval, Planning Commission shall record that the evidence presented meets all “Criteria for Approval” from the UDO as listed above.

CONCLUSION:

Based on the required Review Criteria established by Section 4.15 of the Unified Development Ordinance and the appropriateness of the request relevant to the criteria, the Commission may:

- 1. Recommend that City Council approve to Rezone the subject area from PL Public Land to C-2 Community Commercial; or
- 2. Recommend that City Council deny the Rezoning.

Chairman Jamison asked the applicant to present his case.

Brett Frazier, Vice President of Southern Oil, said they would like to change the zoning on the parcel from Public Land to C-2. They have had the property up for sale for a little while, and his understanding is that in order to sale it, the future buyers are wanting it to have a C-2 zoning. He said to his knowledge for about 2 years they have been allowing the City of Gautier Fire Department to store some things on that property which is probably part of the confusion with the zoning.

There were none in attendance speaking in opposition of the request.

ACTION TAKEN:

Commissioner Ward made a motion to recommend approval of the rezoning request because there was a mistake in the original zoning.

Commissioner McManus seconded the motion, and the following vote was recorded:

AYES: Kay C. Jamison
Joshua Ward
DeAnna McManus
Maurice Hudson
Chris Hoover
William Davis

ABSENT: Ricky Decoteau

Motion passed.

-
-
2. Consider a request for a fifteen-foot (15') variance to secondary front yard setback requirements for a fence in a R-1 Low Density Single-Family Residential Zoning District. 1216 Grandview Drive, (GPC #24-28-VAR)

Scott Ankerson, Planning Director, gave a brief overview of the case. He explained that the two lots the applicant owns are contiguous. The ordinance considers two parcels that are contiguous as one lot. So, in regard to setbacks, etc., it is considered one lot.

REQUEST:

The Planning Department has received a request from Charles "Vance" Cochran for a fifteen-foot (15') variance to secondary front yard setback requirements for a fence in a R-1 Low Density Single-Family Residential Zoning District at 1216 Grandview Drive, PID #85937028.000 (GPC #24-28-VAR). The application fee of \$175 was paid on June 25, 2024. All public notice requirements have been met.

BACKGROUND:

The applicant's house is located on 1216 Grandview Drive. He also owns the lot directly behind the lot his house is on. He would like to place a 6' privacy fence 10' from his property line that runs along Lagrange Drive. This area would be considered a secondary front yard because it is located on a street. The front setback requirement in a R-1 Low Density Single-Family Residential District is 25' from the property line, therefore the setback for a secondary front yard would be 25' also. The applicant needs a 15' variance to secondary front yard requirements.

DISCUSSION:

The applicant is asking for a 15' variance to the secondary front yard requirements so he can put up a 6' privacy fence around his rear yard that runs along Lagrange Drive.

DETERMINATION OF APPLICABLE LAW:

The Unified Development Ordinance (UDO) defines **Variances** as:

A Variance is a relaxation of the terms of the Unified Development Ordinance where such Variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, a literal enforcement of the Ordinance would result in an unnecessary or undue hardship. As used in this Ordinance, a Variance is authorized only for height, area and size of structure, or size of yards, separation of uses, open spaces, off-street parking spaces and some subdivision of property. The establishment or expansion of a use not permitted shall not be allowed by Variance.

The UDO defines **Hardship** as:

Hardship means the unnecessary hardship that would result from a failure to grant the requested variance or special exception. An unnecessary hardship exists if:

- (1) the land in question cannot yield a reasonable return if used only
 - (a) for a purpose allowed in that zone (applicable to special exceptions), or
 - (b) as permitted by the dimensional requirements of this ordinance (applicable to variances);
- (2) that the plight of the owner is due to unique circumstances of the land for which the variance or special exception is sought; and
- (3) that the use to be authorized by the variance will not alter the essential character of the locality.

UDO SECTION 4.18: Variance

In certain circumstances, a Variance from the dimensional requirements (i.e. height, setbacks, square footage) of this ordinance may be granted if the applicant can prove that because of physical constraints of the property involved, he is not able to build the same type of structure that other persons with the same zoning classification can build. Variances for uses permitted will not be considered in as much as "use Variances" are not legal in the State of Mississippi.

Most Variances must be granted by the City Council; however, certain minor Variances may be granted by the Economic Development Director in accordance with *Section 4.18.3* below.

4.18.1 Who May Initiate

A request for a Variance may be initiated by the property owner or agent of the owner provided that said property has not been denied a previous request for a Variance for the same property or portion of property within the past twelve (12) months.

4.18.2 Application for Variance

Applications for a Variance (from dimensional requirements) may be filed on the appropriate application available from the Economic Development/Planning Department and shall include all requested information, attachments and submittals:

4.18.3 Administrative Variances

The following dimensional variances may be granted by the Economic Development Director at his/her discretion (Note: Within the COR, Corridor Overlay District, applicants shall be required to mitigate a requested dimensional variance in accordance with the Tier Land Use Provisions in Section 5.11):

- A. 30% of required off-street parking spaces and/or
- B. 30% of required setbacks from property lines

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

- A. That special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels) or structures or buildings in the same district;
- B. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance;
- C. That the special conditions and circumstances do not result from actions of the applicant; and
- D. That granting the Variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other similar sites (lots or parcels) structures or buildings in the same district.

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets all "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

- 1. Recommend that City Council approve the variance request as presented;
- 2. Recommend that City Council approve the variance request with changes; or
- 3. Recommend that City Council deny variance request.

Chairman Jamison asked the applicant to present his case.

Vance Cochran, the applicant, said he wants to add an additional 15 feet of fence to the back of his back property, so he doesn't have to surrender 25' of his property.

Commissioner Davis said he saw one picket fence fairly close to the road, but it was only 4' high. He did see several privacy fences on the south side of the road, but they were not that close to the road.

Mr. Cochran said that on the north side of Lagrange, there are five 6' privacy fences that are within 15 feet of road. He asked Mr. Ankerson if the fence had to be 25' from the street or the property line.

Mr. Ankerson said it had to be 25' from the property line. He said the fence could actually be on the property line, but it would have to drop to 4' at the 25' setback line.

Mr. Cochran said that the variance would still put him about 23' from the road because his property line is 13' from the road. He said he doesn't want to have to surrender 25' of his property plus the other 13' to the road.

Commissioner Hoover asked why he didn't want to have a 4' fence and if he had plans to do something in his back yard in the future.

Mr. Cochran said he had no plans at this time, but he does have a swimming pool in his backyard that currently has a temporary 4' fence around it.

Commissioner Hudson said he doesn't think Mr. Cochran should have to lose the land he mentioned.

Commissioner McManus said that typically when the Commission approves something like this, they are hearing that there is a special circumstance or reason for needing the variance. She said there is 140' of land in the back lot and she has not really heard a reason for needing the variance.

Walter Malone, who lives in Hickory Hills, said he rode through the community recently and there are fences all over the place and it looked junky. He said there was no uniformity, and it was degrading the community and devaluing properties. He thinks the city needs to pay more attention to what is going on in the community.

There were none in attendance speaking in opposition of the request.

ACTION TAKEN:

Commissioner Hudson made a motion to recommend that the City Council approve the variance as presented so the applicant does not lose so much of his property.

Commissioner Hoover seconded the motion, and the following vote was recorded:

AYES:	Maurice Hudson Chris Hoover
NAYS:	Kay C. Jamison Josh Ward DeAnna McManus William Davis
ABSENT:	Ricky Decoteau

Motion failed.

Commissioner Ward then made a motion, due to the previous vote, to send the variance to City Council without a recommendation.

Commissioner McManus seconded the motion, and the following vote was recorded:

AYES: **Kay C. Jamison**
 Josh Ward
 DeAnna McManus
 William Davis

NAYS: **Maurice Hudson**
 Chris Hoover

ABSENT: **Ricky Decoteau**

Motion passed.

-
3. Consider a request for a Special Exception that would allow an accessory structure on a lot without a primary structure in a MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District. 3204 Willis Drive, (GPC #24-29-SE)

Scott Ankerson, Planning Director, gave a brief overview of the case. He explained that the applicant has an existing Conditional Use to have an RV on the lot from many years ago and that he does have an RV that he brings in and out.

REQUEST:

The Planning Department has received a request from Kenneth Simmons & Kenli Simmons Fall for a Special Exception that would allow an accessory structure to be located on a lot without a primary structure in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District at 3204 Willis Street, PID #87420025.000 (GPC #24-29-SE). The application fee of \$250 was paid on July 12, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned MURC-MW Mixed Use Recreation Commercial – Mary Walker.

1. Location: 3204 Willis Street, PID #87420025.000 (See Exhibit A)
2. General features of the proposed project:

Lot Size: 0.37 acres

3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): MURC-MW Mixed Use Recreation Commercial – Mary Walker
5. Current Surrounding Zoning (See Exhibit B): MURC-MW Mixed Use Recreation Commercial
6. Current Surrounding Existing Land Use (See Exhibit C): Residential, Vacant, Fish Camps, Marina, Mobile Home Park
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Recreational Commercial.

DISCUSSION:

The following addresses the review criteria for a Special Exception outlined in Section 4.16.4 of the UDO.

1. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant?

Applicant Response: *There are other boathouses and sheds in the area that are on lots without a house or mobile home.*

Staff Finding: *There are other accessory structures on lots in the area that do not have a primary structure.*

2. Explain how the requested Special Exception will be in harmony with the purpose of the City of Gautier's Unified Development Ordinance and will not be injurious to the neighborhood or the general welfare?

Applicant Response: *It will not be injurious to the neighborhood because there are other boathouses and sheds in the area.*

Staff Finding: *A boathouse and boat lift are in keeping with the purpose and intent of the MURC-MW as defined in the UDO. Staff's opinion is that approval of the request will not negatively affect the neighborhood.*

3. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant.

Applicant Response: *In July 2018 I was approved to place an RV on the lot. The RV would not always be on site. I would like to build a boathouse for my boat and a shed to store things in.*

Staff Finding: Unsubstantiated

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines a Special Exception as a relaxation of the terms of the Unified Development Ordinance where such an exception will not be contrary to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the ordinance would result in undue hardship. Special Exceptions are necessary when an applicant seeks to establish or expand a use not ordinarily permitted in a specific zoning district. "Special Exceptions" are not transferable from one (1) owner of land to another.
2. Special Exception requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).
3. Once an application for a Special Exception is submitted to the Planning Department, the procedures outlined in UDO Section 4.14.1 will be followed. At the appropriate time, The Planning Commission will conduct a public hearing to determine whether the applicant meets all relevant criteria, and make a recommendation to City Council pursuant to UDO Section 4.14.4. City Council, pursuant to UDO Section 4.14.4(C), will then consider the matter at its next regularly scheduled meeting and approve or deny the Special Exception.
4. A Special Exception is required for uses not ordinarily permitted in a specific zoning district. Special Exceptions are not permitted by right, and may only be granted when certain criteria are established. (4.16.4)
5. Special Exceptions do not run with the land, and may be revoked by the Planning Department if any of the following circumstances are discovered:
 - A. The property changes ownership
 - B. The property is being utilized in a manner not permitted under the zoning regulations or the special exception; or
 - C. The property ceases to be used for the purpose allowed in the Special Exception for a period of one hundred eighty (180) days during the existence of the Special Exception.

The UDO defines **Hardship** as:

Hardship means the unnecessary hardship that would result from a failure to grant the requested variance or special exception. An unnecessary hardship exists if:

- (1) the land in question cannot yield a reasonable return if used only
 - (a) for a purpose allowed in that zone (applicable to special exceptions), or
 - (b) as permitted by the dimensional requirements of this ordinance (applicable to variances);
- (2) that the plight of the owner is due to unique circumstances of the land for which the variance or special exception is sought; and
- (3) that the use to be authorized by the variance will not alter the essential character of the locality.

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets the "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the Special Exception;
2. Recommend that City Council approve the Special Exception with changes; or
3. Recommend that City Council deny the Special Exception.

Chairman Jamison asked the applicant to present his case.

Kenneth Simmons, the applicant, said the plan was to replace the rotted and collapsing bulkhead and boardwalk, construct a 14' x 30' boatshed with a lift, construct an 18' x 40' camper shed on a concrete slab, and construct a privacy fence on the east end of Lot 27 that adjoins Ellen Lee's property. He said he has owned the property since 2017 and is gradually making improvements.

Commissioner Ward said he had noticed two RVs on the property now.

Chairman Jamison said her understanding was that he was only allowed one.

Mr. Simmons said there are two on the lot now. He said when he got his permit it was worded that he could keep one there for 364 days out of the year and move it once. If he had another one, it could only stay seven days. He said neither RV is permanent, and they were for family use only. There are no rental spots or anything.

Chairman Jamison explained to Mr. Simmons that this was the fourth case within a couple of months that they have heard, and they haven't allowed anyone else to have a camper, but his is grandfathered so he can keep his camper. She said the question is whether or not to allow him to put a camper cover and a slab for his camper, and build a boat lift when he is supposed to have a structure on the property before he can have an accessory building.

Commissioner Ward stated that there have recently been some other bulkheads that were built in the area without permission. He said he could see where there was confusion about what was allowed because there are certain things in the area that aren't necessarily allowed but were grandfathered. They have also approved certain things and then the applicant will do more than what they were approved for. An example, which is currently being addressed by Code Enforcement, is where one RV was allowed on a lot but now there are three RVs on the lot. He also said that when you start putting sheds and pouring concrete it begins to sound a lot more permanent.

Commissioner Davis explained that when the Commission looks at these requests, they try to identify what the hardship would be in order to approve the case. He asked Mr. Simmons what he would consider his hardship.

Mr. Simmons said that his RV is there 4 to 5 months at a time, and it is under the trees. He wants a cover to protect it.

Chairman Jamison asked if he intended to build a house on the property at some point.

Mr. Simmons said he did not.

Chairman Jamison said that because they let another person keep his boat launch and lift, and bulkhead, she was inclined to let him do that but not put a cover over the trailer.

Commissioner Hoover said that Mr. Simmons got relief from part of the Ordinance by being allowed to place the camper on the lot, but letting it be put on a slab with a cover makes it more permanent. He has no problem with him redoing the bulkhead and putting a boat lift in.

Commissioner Ward said that a lot of what is going on in that area has happened because of many different issues. Some things were grandfathered, and some were done without permits. The Commission tries to give grace when they can but when you start putting slabs and structures that are there permanently and there isn't a primary structure on the lot, everybody else is going to want to do the same thing. Allowing Mr. Simmons to do it would set a precedence. He is ok with the bulkhead because it is preserving the property and keeping it from washing out as much.

Commissioner McManus asked if he had to have a Special Exception to replace the bulkhead.

Mr. Ankerson said that a bulkhead is a listed accessory structure.

Commissioner McManus asked if there were criteria that the boatshed had to meet. She was concerned about approving it, not knowing what it was going to look like.

Mr. Ankerson said because it was an accessory structure, the size would have to be considered because it can only cover a certain percentage of the lot. There are no Architectural Standards in the Ordinance regulating what materials have to be used for accessory buildings. Structurally it will have to meet our adopted Building Codes and 160 mph winds.

Will White, who owns the property next to Mr. Simmons, said he bought his property because of what Mr. Simmons did with his property. He and his wife have worked hard to make the property nice. Mr. White said that at a previous meeting everyone was talking about how Gatti Place was its own little community. He feels that Willis is its own little community because of the things located in the area such as the marina, and the RV park the Commission just approved right across the street from Mr. Simmons.

Commissioner Davis said he was not convinced that there was a hardship regarding the request for the cover and slab. He did feel that the bulkhead was almost a necessity to keep property from washing away.

Commissioner Hoover asked if there was an issue with the privacy fence Mr. Simmons talked about in his narrative.

Mr. Simmons said the privacy fence was not a priority. He was just going to put it up to make everything look better

Mr. Ankerson advised that the fence was not something they had to approve. It was allowed by right as long as it meets the Ordinance requirements.

There were none in attendance speaking in opposition of the request.

ACTION TAKEN:

Chairman Jamison made a motion to recommend that Council approve the Special Exception with the following changes: allow the bulkhead to be replaced, and allow a stick built boat house with a lift. Do not allow the slab or the cover for the RV. The Hardship is that the bulkhead needs to be replaced for deterioration reasons.

Commissioner McManus seconded the motion, and the following vote was recorded:

AYES: **Kay C. Jamison**
 Josh Ward
 DeAnna McManus
 Maurice Hudson
 Chris Hoover
 William Davis

ABSENT: **Ricky Decoteau**

Motion passed.

-
4. Consider a request for a Conditional Use-Major that would allow a church in a C-2 Community Commercial Zoning District. 7417 Martin Bluff Road (GPC #24-30-CU)

Scott Ankerson, Planning Director, gave a brief overview of the case. There was a church at this location decades before the area was annexed. When it became vacant for over 180 days, per our Ordinance, it lost its legal non-conforming status. A church in any district in the City of Gautier requires a Conditional Use.

REQUEST:

The Planning Department has received a request from 2BLEEV Ministries, Inc. for a Conditional Use-Major that would allow a church in a C-2 Community Commercial Zoning District at 7417 Martin Bluff Road, PID #85432014.000. (GPC #24-30-CU). The application fee of \$250 was paid on July 12, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-2 Community Commercial and R-1 Low Density Single-Family Residential. The structure, that was previously a church, is located within the portion of the lot zoned C-2.

1. Location: 7417 Martin Bluff Road, PID #85432014.000 (See Exhibit A)
2. General features of the proposed project:
Total Area of Lot: Approximately 4.65 Acres
Existing structure that was previously a church is located on property
3. Existing Zoning – C-2 Community Commercial (See Exhibit B)
4. Existing Land Use – Vacant Church Building (See Exhibit C)
5. Comprehensive Plan Future Land Use Designation – Civic (See Exhibit D)

DISCUSSION:

The following addresses the review criteria for a Major Conditional Use outlined in Section 4.17.5 of the UDO.

1. Is the proposed use listed in the list of possible Conditional Uses in the Zoning District?

Applicant Response: Yes.

Staff Finding: Yes. Church or Place of Worship is listed as a Conditional Use-Major in a C-2 Community Commercial District.

2. Describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk, and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering, or other plans.

Applicant Response: Building was previously a church. We will also use it as a church.

Staff Finding: The church was existing before the annexation. Until recently, it was a legal nonconforming use.

3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.

Applicant Response: Our church will be a positive light within the city and community.

Staff Finding: There is no evidence to indicate the proposed use will negatively affect the property values or cause a detriment to the surrounding properties.

4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.

Applicant Response: No, not in any way.

Staff Finding: There is no evidence that the proposed use will have any adverse effect on vehicular or pedestrian traffic.

5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?

Applicant Response: Yes, the current location has ample parking.

Staff Finding: The proposed use can be accommodated by existing public services and facilities.

6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.

Applicant Response: Yes, the property is currently zoned for a church.

Staff Finding: The Comprehensive Plan calls out “Civic” for future land use of this property.

7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain.

Applicant Response: No, the church services will not pose a hazard or noise violation.

Staff Finding: There is no evidence that the proposed use poses a hazardous, detrimental, or disturbing effect to present surrounding uses.

8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.

Applicant Response: Yes, we will comply with all guidelines for religious services.

Staff Finding: The proposed use will conform to all current district regulations.

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines conditional uses as specific uses which are enumerated in each zoning district and which because of their nature are not allowed by right but may be allowed after the required review process. The City may specify certain conditions as necessary to make the use compatible with other uses in the same district. Conditional uses are issued for uses of land and uses designated "Conditional Uses-Major" are transferable from one (1) owner of land to another.

The UDO further defines Conditional Uses-Major as uses that are not allowed by right but require a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to a new owner, the new owner must submit a letter to the Planning Director agreeing to the current terms and condition.

2. Conditional Uses-Major requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets the "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the Conditional Use-Major
2. Recommend that City Council approve the Conditional Use-Major with changes;
or
3. Recommend that City Council deny the Conditional Use-Major.

Chairman Jamison asked the applicant to present the case.

Lee Capehart, representative for the applicant, said they wanted to start a church in the existing building.

Commissioner Ward asked if they would be moving from Pensacola where Mr. Capehart said they lived.

Mr. Capehart said they would not be moving, that this would be like a satellite campus. He said they wanted to bring life to the community.

Walter Malone, 1313 Hickory Hill Drive, said that he was speaking in opposition. He was hoping the city would go out and get a grant to build a community center there. The community has zero recreation in the area. There are no facilities for kids to go to and that site is an excellent opportunity for the city to do something to make that happen. He said he was not against the church although he wished the applicant was local. He doesn't see where the church is going to benefit the community.

Commissioner Hudson said the church offers the things he just mentioned.

Mr. Malone said the church doesn't offer that type of recreation because that is not a church's position. He said the children have nothing, no pool, or anything.

Commissioner Hudson said there were churches, schools, ball parks, libraries. There are plenty of things to do.

Mr. Malone said these things were not in the community where he lives. All the recreation in the city is so far south the kids in his community can't get there unless their parents drive them there.

Commissioner Ward said he would rather it be a church there than a vacant building. He felt a vacant building would be more opportunity for something negative to happen.

Ellen Malone, 1313 Hickory Hill Drive, said it was a church and it can stay a church. Her issue is what are you going to do at the church and if you are going to have things that are going to bring the community in. The children in the area do need some things to do.

Chairman Jamison said that outreach in the community is what churches do and if outreach is needed, this sounds like a great location. The previous church was thriving in the 80's and 90's. If he opens a church, she feels that he will be doing things to try to get people to come to his church through community outreach programs.

Commissioner Davis said he looked at their website and the special programs they were doing in Pensacola. He asked Mr. Capehart if he would tell the Commission about some of those programs they would be bringing to Gautier.

Mr. Capehart said they have church conferences, seminars, healing centers dealing with suicide, child trafficking, etc. There are several things they are trying to bring to this area to reach different people.

Chairman Jamison asked if they planned on housing anyone at the church.

Mr. Capehart said no they would not be housing anyone at the church. They would hold seminars, conferences, and regular church services on Sunday, but no one would be housed in the church. In the future they might like to build a gymnasium and community playgrounds for young people. He said they had spoken with some of the people in the neighborhood and they seemed excited about the church coming to the community.

ACTION TAKEN:

Commissioner Hudson made a motion to recommend that City Council approve the Conditional Use as presented.

Commissioner Ward seconded the motion, and the following vote was recorded:

AYES: Kay C. Jamison
Josh Ward
DeAnna McManus
Maurice Hudson
Chris Hoover
William Davis

ABSENT: Ricky Decoteau

Motion passed.

GENERAL DISCUSSION

A. PREVIOUS CASE UPDATES

Mr. Ankerson reminded Commissioners that the cases heard at the July 11, 2024, meeting would not go to City Council until August 6 because of the July 4th holiday.

B. PERMIT & TRC REPORT

Mr. Ankerson stated that the June and July monthly report would be presented at the September meeting.

Commissioner Hoover made a motion to adjourn the meeting.

Commissioner Ward seconded the motion, and the following vote was recorded:

AYES: Kay C. Jamison
Josh Ward
DeAnna McManus
Marcus Hudson
Chris Hoover
William Davis

ABSENT: Ricky Decoteau

Motion Passed.

APPROVED BY:

Scott Ankerson
Planning Director/Building Official

DATE: _____

Kay C. Jamison, Chairman
Gautier Planning Commission

DATE: _____

BACKUP DOCUMENTATION

Gautier Planning Commission

Regular Meeting Agenda

August 1, 2024

GPC #24-27-RZ

Southern Oil Company

2510 College Circle

PID #82435010.075

VII. NEW BUSINESS

1. Consider a request for a Property Owner Initiated Rezoning of Property located at 2510 College Circle, PID #82435010.075, from PL Public Land to C-2 Community Commercial (GPC Case No. 24-27-RZ)

CITY OF GAUTIER

STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: July 22, 2024

Subject: Consider a request for a Property Owner Initiated Rezoning of Property located at 2510 College Circle, PID #82435010.075, from PL Public Land to C-2 Community Commercial (GPC Case No. 24-27-RZ)

REQUEST:

The Planning Department has received a request from Southern Oil Company for a rezoning of property located at 2510 College Circle, PID #82435010.075, from PL Public Land to C-2 Community Commercial (GPC Case No. 24-27-RZ). The parcel is approximately 0.23 acres. The application fee of \$300 was paid on June 4, 2024. All public notice requirements have been met.

BACKGROUND:

Section 4.15 of the City's Unified Development Ordinance (UDO) establishes the procedure to amend the City's Official Zoning Map. The Gautier Planning Commission (GPC) shall review a proposal for a rezoning and shall make an advisory recommendation to the City Council as to the need and justification for the change when the public welfare justifies such action. The GPC shall include in its recommendation to the City Council findings that the required rezoning criteria have been met.

DISCUSSION:

1. Location: 2510 College Circle, PID #82435010.075 (See Exhibit A)
2. Existing Zoning: PL Public Land. (See Exhibit B)

UDO 5.3.11 PL, Public Land - Purpose and intent. The purpose of this district is to provide for sites where governmental and quasi-governmental uses such as municipal and county facilities, schools, civic, cultural and historic sites as well as recreational facilities can be placed. This type of development is usually developed as a cohesive unit with internal streets and destinations. Due to the diversity of uses allowed, each use shall be considered a conditional use and subject to approval of the City Council. A change of use on land zoned PL shall require approval of the Council.

UDO 5.3.8 C-2, Community Commercial District - Purpose and intent. The purpose of this district is to provide areas of medium density commercial including a mixture of retail, professional services, and studios which cluster together. Community Commercial Districts are located primarily along transportation collectors such as Gautier-Vancleave. The co-location of professional services and civic uses shall be encouraged to strengthen industry and provide an attractive, pedestrian scale commercial corridor into the City.

DATA AND ANALYSIS:

Property requested for Rezoning: 2510 College Circle, PID #82435010.075.

Location: Ward 3

Current Zoning of the Request Property: PL Public Land

Existing Land Use: Vacant. (See Exhibit C)

Future Land Use: Civic. (See Exhibit D)

Surrounding Zoning: C-2 Community Commercial to the North and West, PL Public Land to the South and East.

HISTORY:

This property has a vacant building on it that was previously an oil change business. It is currently zoned PL Public Land.

REVIEW CRITERIA:

The Planning Commission, in its report and recommendation to the City Council on the appropriateness of the request, shall study and consider the following criteria and record that the evidence presented meets the “Criteria for Approval” from the UDO, if applicable.

- A. There was a mistake in the original zoning; **or**
- B. The character of the surrounding area has changed to such an extent as to justify rezoning **AND** there is a public need for additional property to be zoned in accordance with the request.

The Planning Commission shall not recommend approval of a rezoning unless the applicant has proven by clear and convincing evidence that either of the required criteria items above have been met.

STAFF RECOMMENDATION:

If recommending approval, Planning Commission shall record that the evidence presented meets all “Criteria for Approval” from the UDO as listed above.

CONCLUSION:

Based on the required Review Criteria established by Section 4.15 of the Unified Development Ordinance and the appropriateness of the request relevant to the criteria, the Commission may:

1. Recommend that City Council approve to Rezone the subject area from PL Public Land to C-2 Community Commercial; or
2. Recommend that City Council deny the Rezoning.

ATTACHMENTS:

1. Applicant's Exhibit 1 – Application
2. City's Exhibit A – Location Map
3. City's Exhibit B – Existing Zoning Map
4. City's Exhibit C – Existing Land Use Map
5. City's Exhibit D – Future Land Use Map

Revised 2/8/23

GAUTIER, MISSISSIPPI
PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

24-27-R2

TO BE HEARD BY GAUTIER PLANNING COMMISSION:		FEE:
Zoning Change	_____	\$301.00
*Includes \$1.00 filing fee per MS Code §25-60-5		

Name of Applicant: Mitchell Morris

Name of Business: Southern oil Co. Phone: 601 270-8489

Property Address: 2510 College Cir. Mailing Address (if Different): 6933 Hwy 49 Hattiesburg, MS.
39402

E-Mail Address: longtofastmart1.com.

Reason for request, location and intended use of Property: Rezone From PL to C2

ATTACHMENTS REQUIRED AS APPLICABLE:

- ☒ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- ☒ 2. A detailed project narrative.
- NA 3. Copy of protective covenants or deed restrictions, if any.
- NA 4. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- na 5. Any other information requested by the Planning Director.

Signature of Applicant: [Signature] Date of Application: 5-31-2024

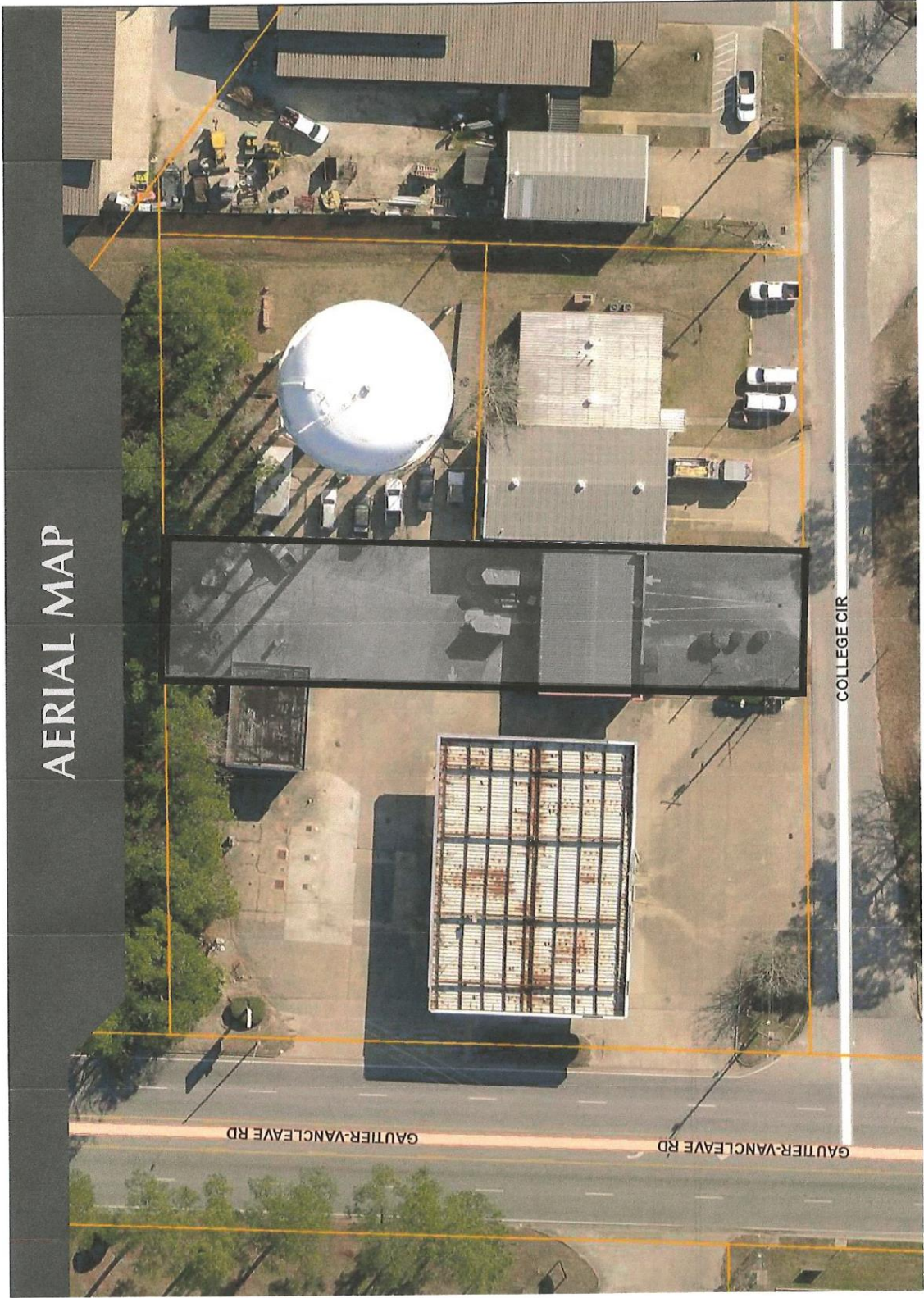
FOR OFFICE USE ONLY	
Date Received <u>6/4/24</u>	Verify as Complete <u>Balus/SA</u>
Fee Amount Received <u>301.00</u>	Initials of Employee Receiving Application <u>Balus</u>

Aug 15

LOT MAP



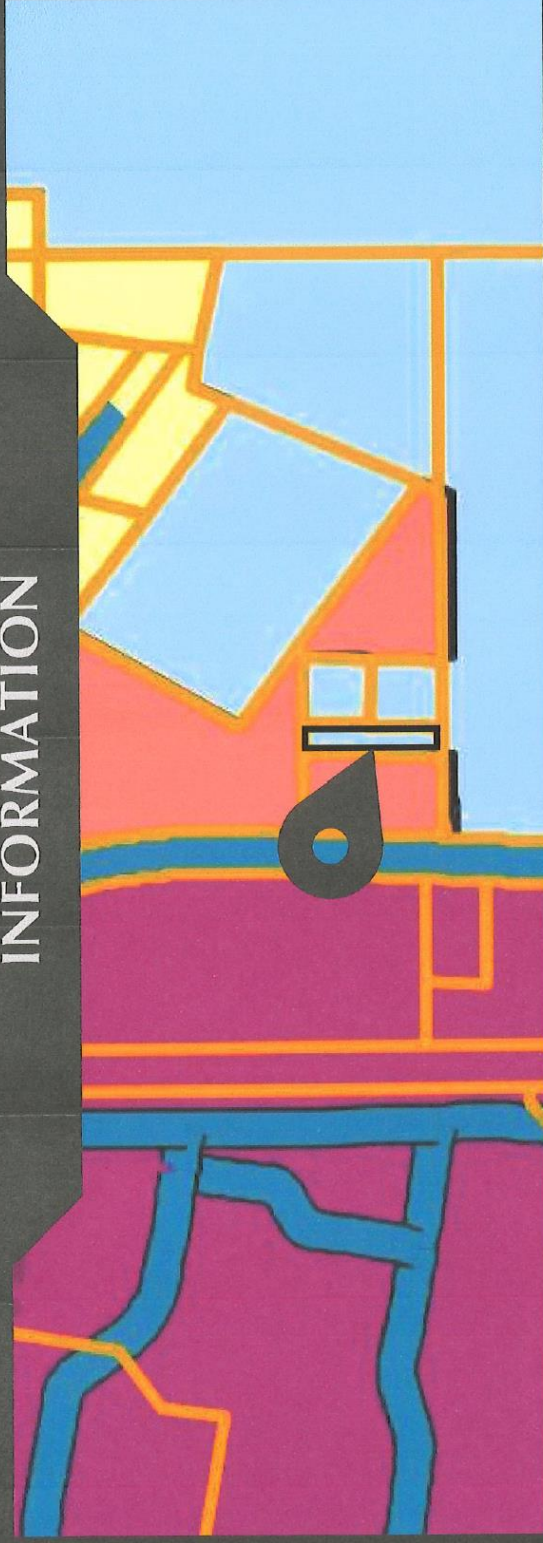
AERIAL MAP



FLOOD & ELEVATION MAP



ZONING INFORMATION



PUBLIC LANDS DISTRICT

The Public Lands District includes land which are owned by the federal, state, or local government, and are used for purposes which are particularly and peculiarly related to governmental functions, and primarily for recreational purposes. Buildings shall meet local buildings codes and inspections will be conducted by the city building inspector. Any land in PL District which are sold or converted to private uses shall be rezoned to a district other than the PL District as determined by the board of adjustments.

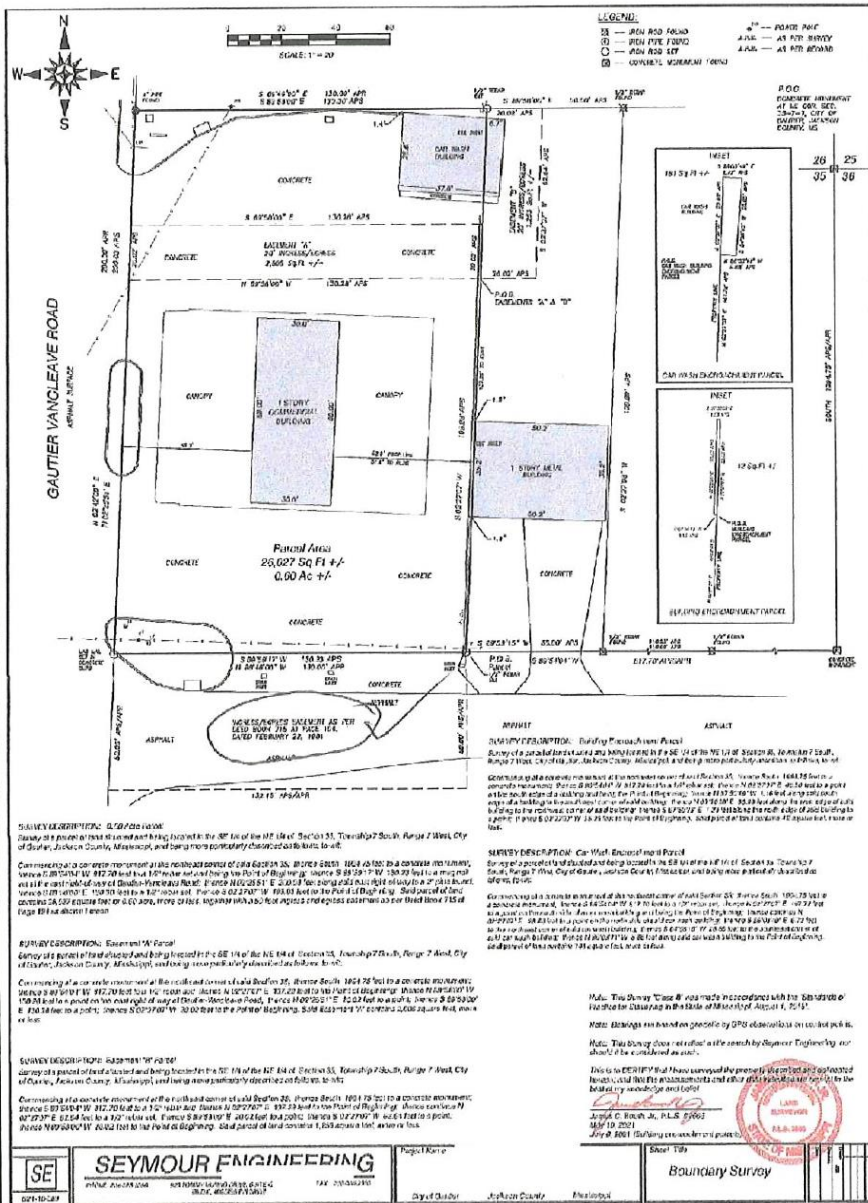
The provisions of this district shall not prevent governmental uses in other districts, provided such use is in compliance with all provisions of this ordinance applicable to such other districts.

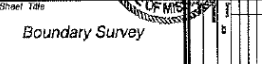
11.2. Uses permitted. Uses in this district are those uses permitted by the controlling governmental agency, and approved by the planning commission upon presentation at a regular meeting.

11.3. Area and setback regulations. The area and setback regulations in this district are not restricted except that setbacks of structures from other zoning districts boundaries shall comply with the yard setbacks of the adjacent zoning district to which the yard abuts.

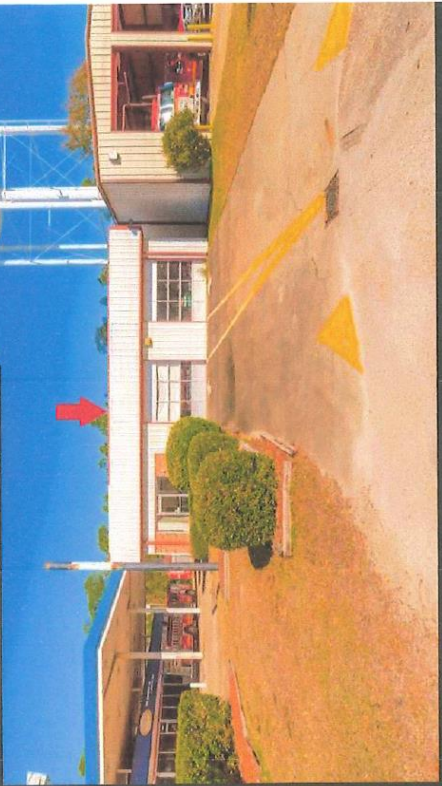
District Regulations available upon request

Exhibit "B"

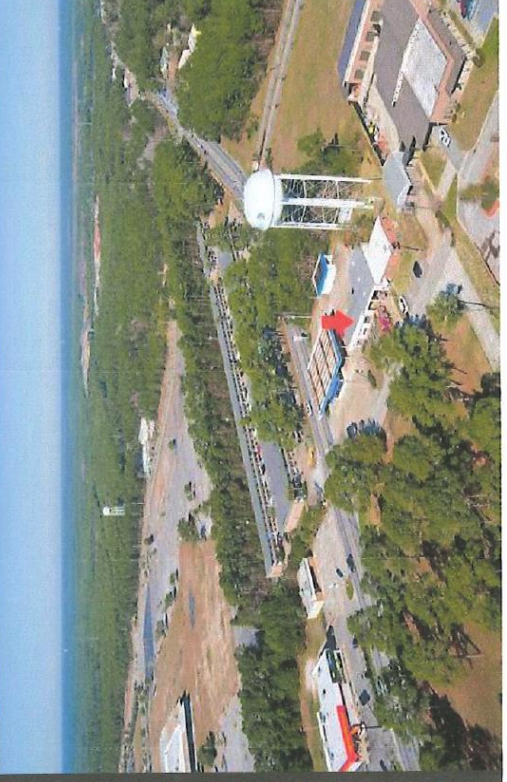
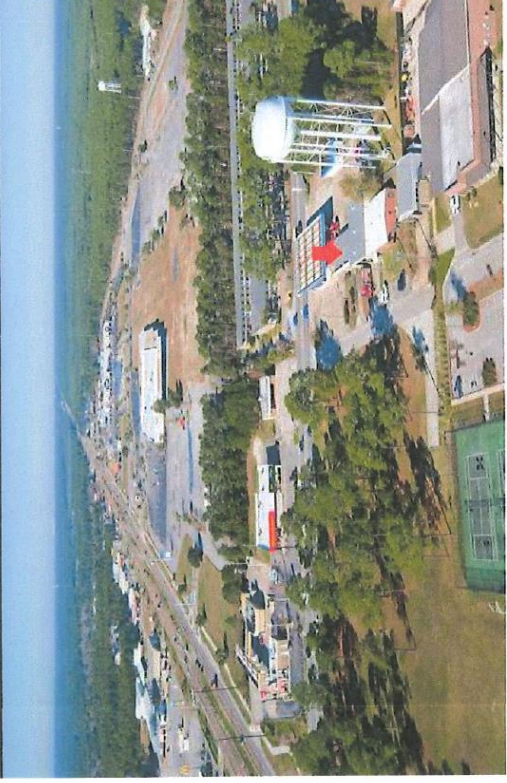




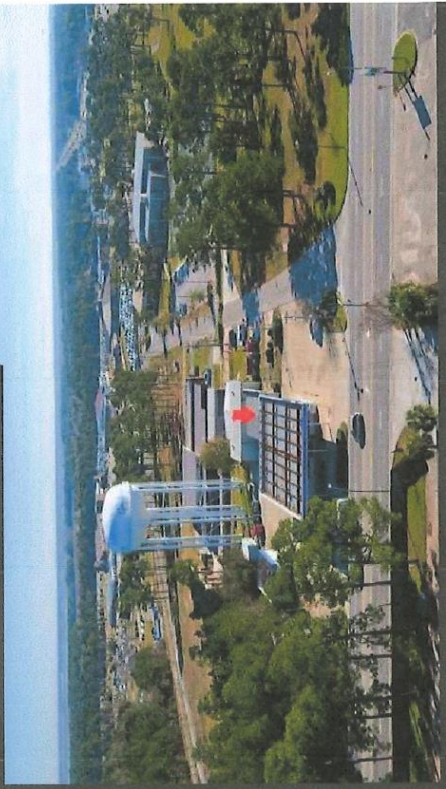
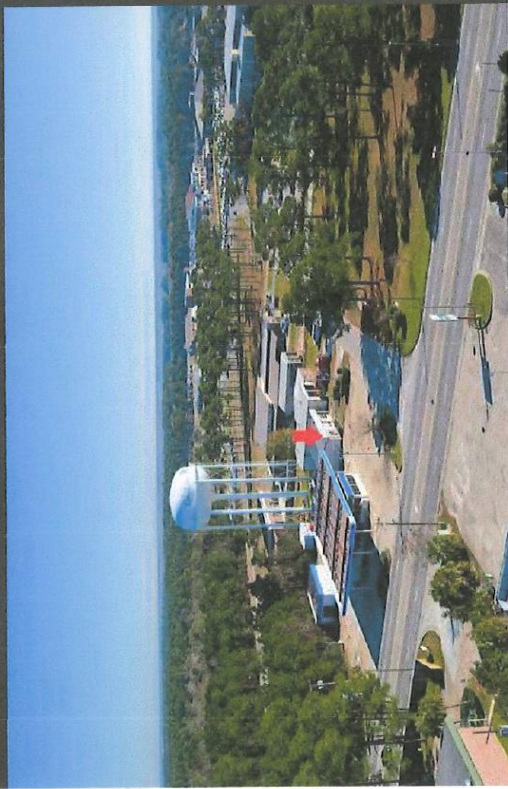
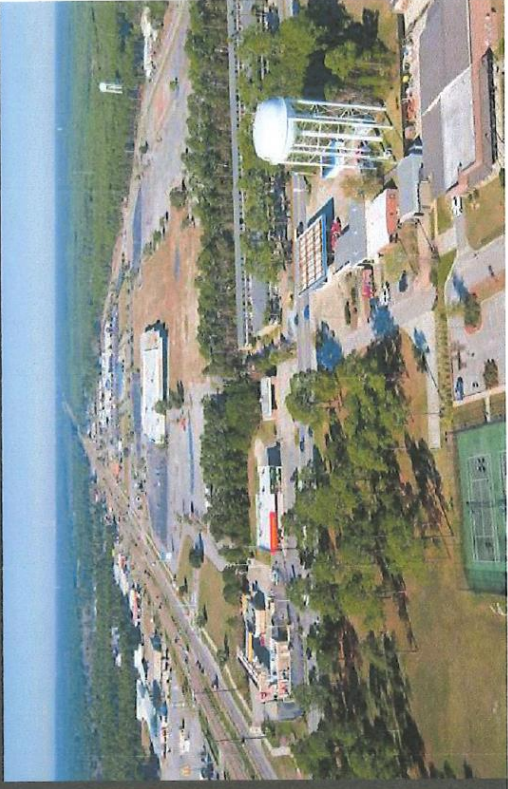
PHOTOS

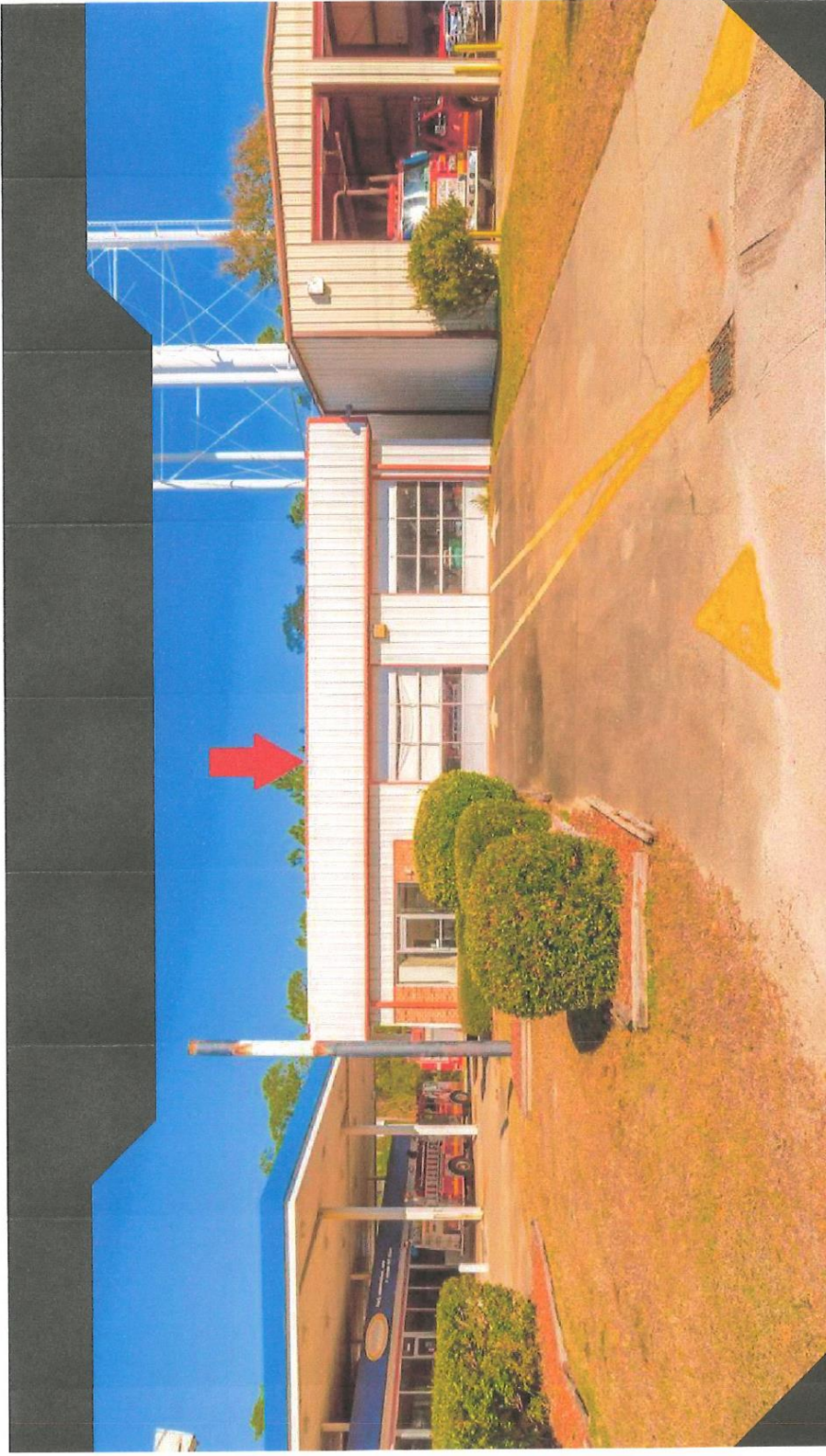


PHOTOS



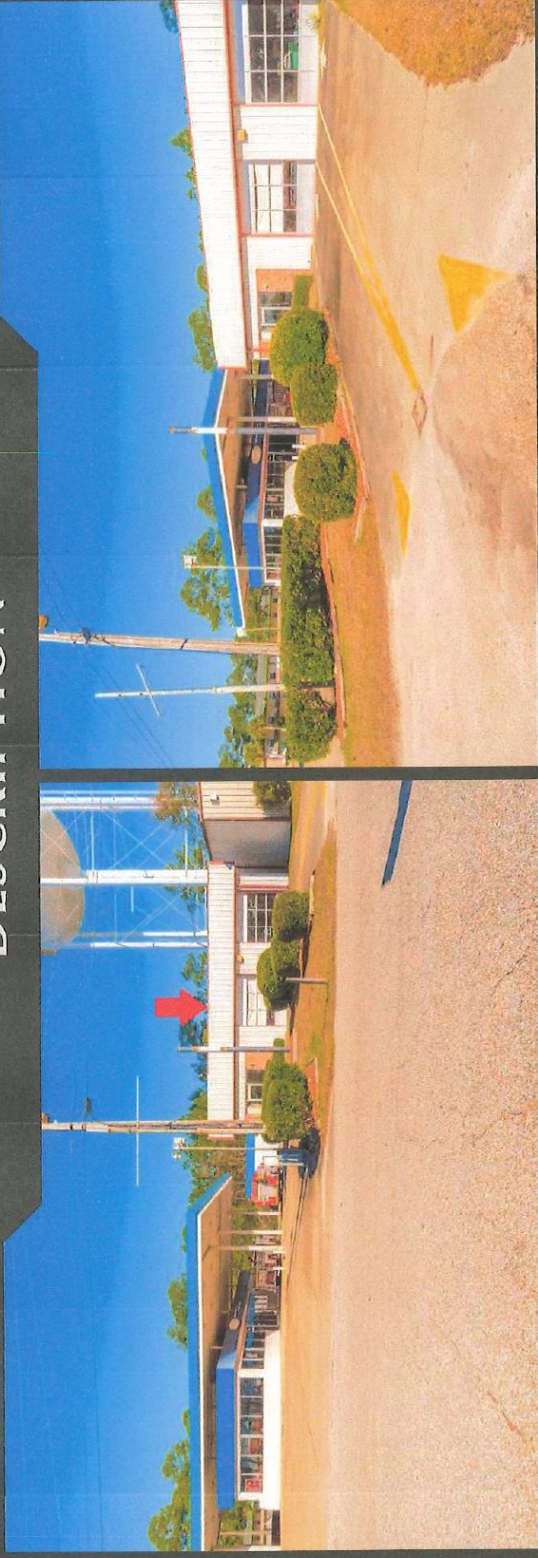
PHOTOS





FOR SALE
COMMERCIAL BUILDING
2510 College Cir, Gautier, MS 39553

PROPERTY DESCRIPTION



Commercial building for SALE.

This property offers great potential with its prime location at the intersection of Hwy. 90 and Gautier Vancleave Rd, ensuring high visibility and exposure to a large volume of traffic.

With a sale price of \$150,000, this 1,785 square foot metal building is perfect for an auto repair shop or any vehicle-related business.

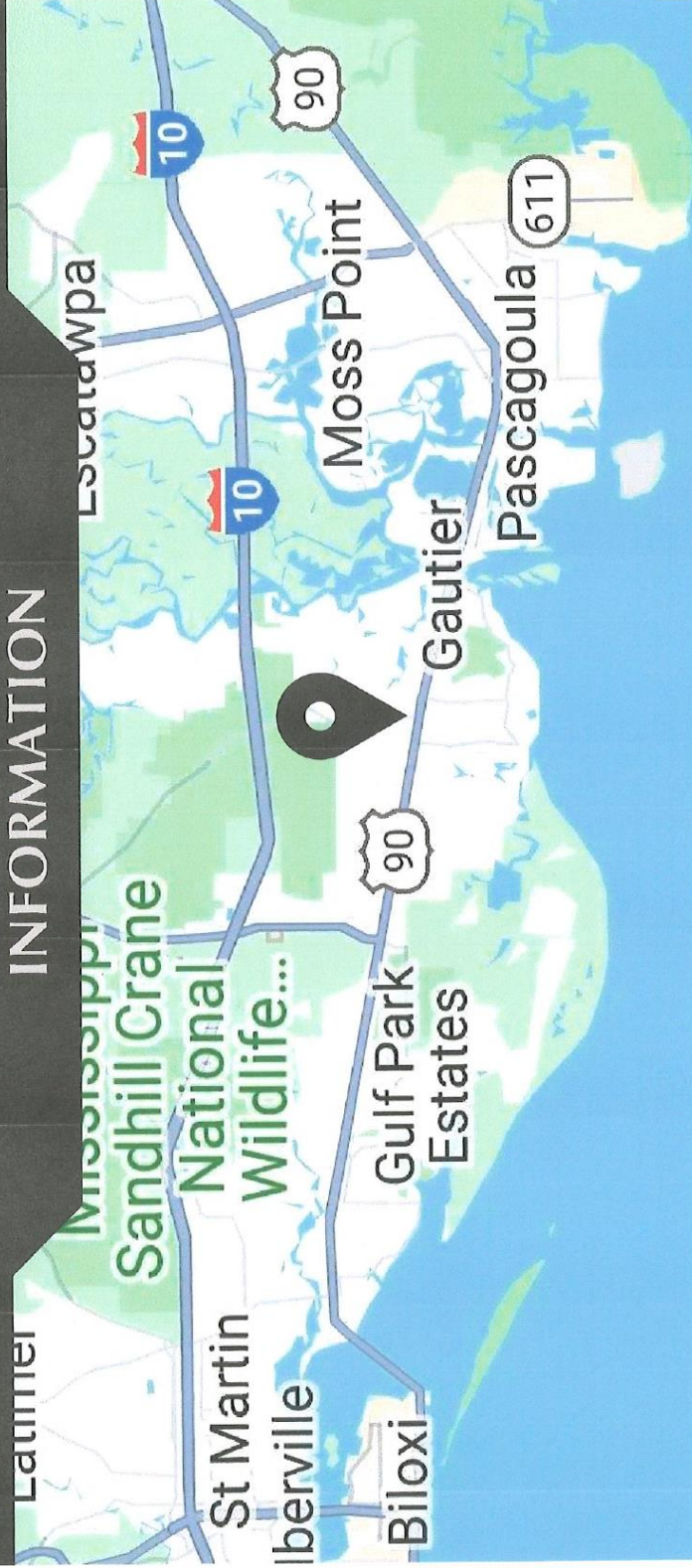
Convenience is key, and this property delivers. Its prominent position ensures excellent visibility, drawing in customers from surrounding areas. Location offers a bustling community and a strong customer base. Don't miss out on this fantastic investment opportunity.

For more information contact us today!

PROPERTY INFORMATION

List Price:	150,000	Commercial Features:	Employee Restrooms
Bathrooms Half:	1	Levels:	One
Total Square Footage:	1785 (Public Records)	Square Footage Description:	Ofc. Bldg Up to 2500 SF
List Price SF:	\$84.03	Foundation Details:	Slab
Year Built:	1986 (Public Records)	Heating:	Central; Electric
Total Floors:	1	Cooling:	Central Air; Electric
Approx Lot Size Acres:	0.23	Sewer:	Public
Lot Size Dimensions:	50.0x233.0x50.0x233.0	Water Source:	Public
Subdivision:	Metes And Bounds	Price Includes:	Building and Land
County:	Jackson	Possible Use:	Service Station / Repair; Other
Zoning:	Public Land District	Exterior Construction / Siding:	Aluminum Siding; Steel Siding
N or S of CSX RR:	North	Approx Age Code:	Older 25+ Years
N or S of I-10:	South	Parking Features:	On Site
New Construction:	No	Additional Transportation:	City Street; Paved
Parcel #:	8-24-35-010.075	Location:	Central Business District; City Street;
Legal Description:	COM NEC SEC 35 S 1994.75' W 395'W 372.7' TO POB N 200' W 50' S 200' E 50' TO POB DB 1297- 827 (3 MAP777.35-01)	Lot Features:	Interstate Exchange Level
Association:	No	Sale Options:	Will Not Divide
Tax Year:	2022	Listing Terms:	Conventional
Tax Annual Amount:	\$1,876	Available Documents:	Survey
Leasehold Y/N:	No		
Flood Insurance Required:	No		

PROPERTY INFORMATION



ZONE

PUBLIC LANDS
DISTRICT



PRICE

\$150,000



LOCATION

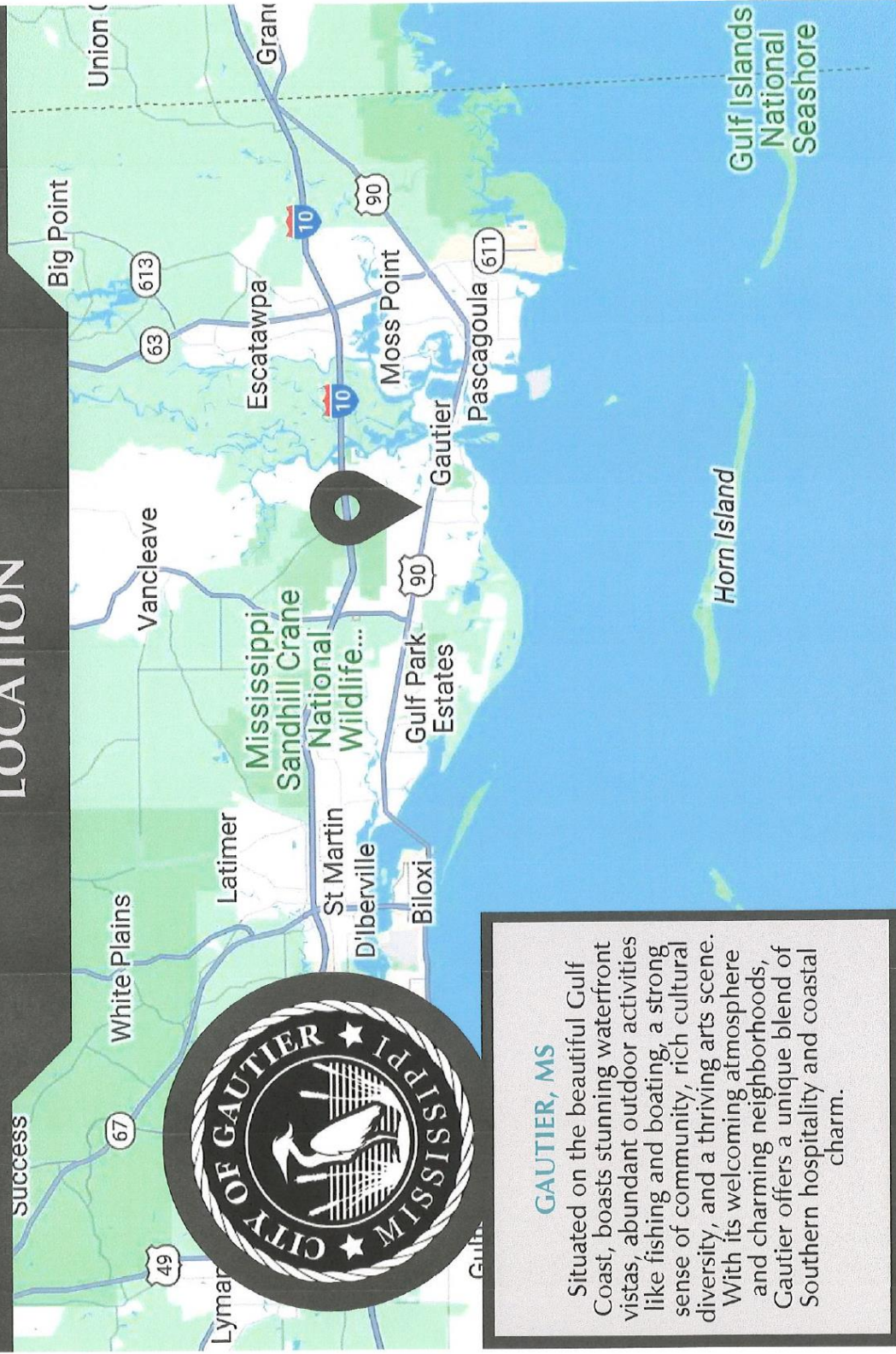
GAUTIER, MS



LOT SIZE

0.23 ACRES

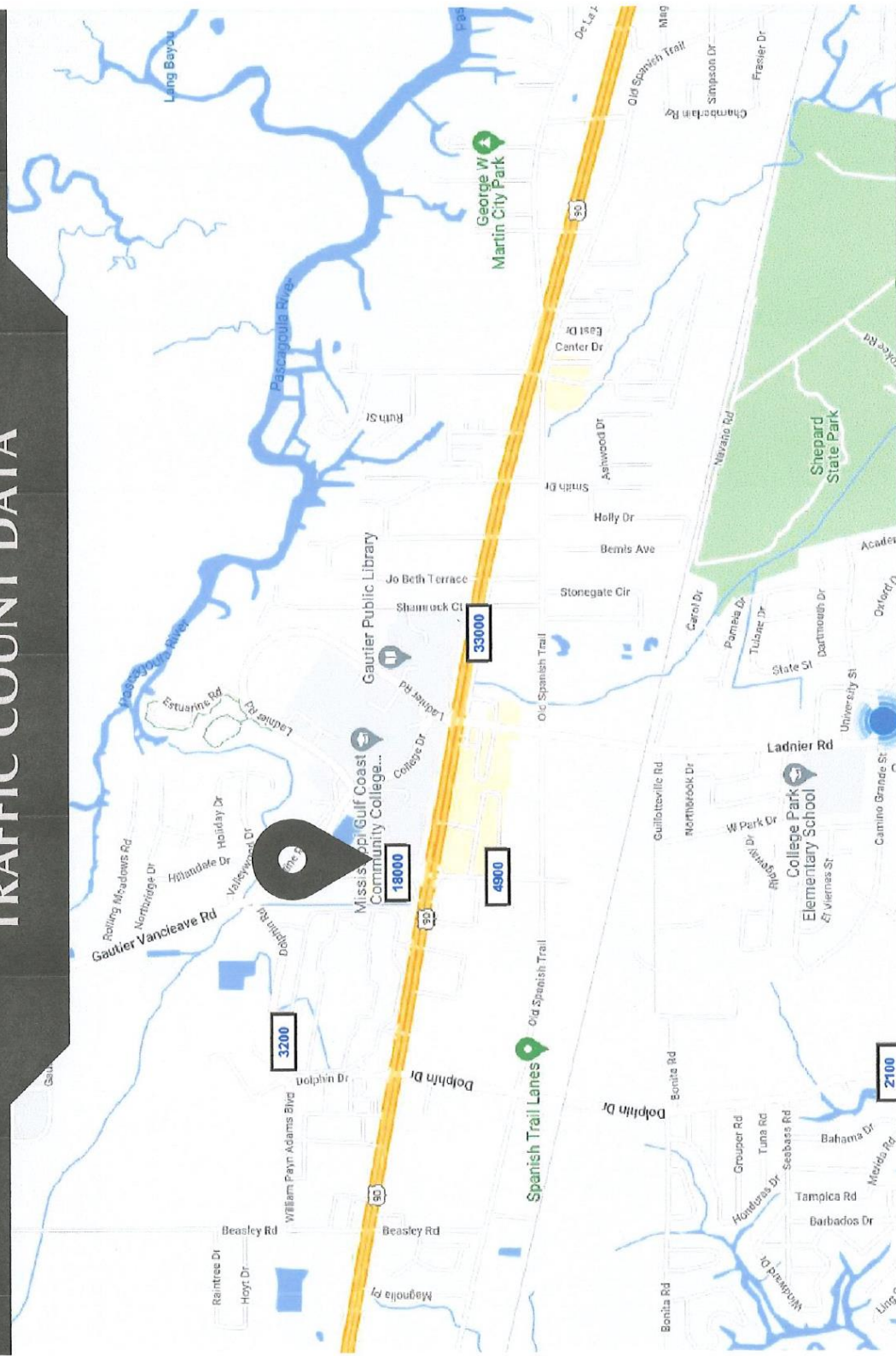
LOCATION



GAUTIER, MS

Situated on the beautiful Gulf Coast, boasts stunning waterfront vistas, abundant outdoor activities like fishing and boating, a strong sense of community, rich cultural diversity, and a thriving arts scene. With its welcoming atmosphere and charming neighborhoods, Gautier offers a unique blend of Southern hospitality and coastal charm.

TRAFFIC COUNT DATA



82435010.075 SOUTHERN OIL COMPANY INC

PIDN: 82435010.075

GISP: 777.35-01-0003.00

Owner Information

Percent of Ownership: 100

Name: SOUTHERN OIL COMPANY INC

Name 2:

Mailing Address: 6933 US HWY 49
HATTIESBURG MS
39402

Site Address: ~~3600 GAUTIER VANCLEAVE RD GAUTIER~~ 2510 College Circle

Land Information

Section: 35 Acreage: 0.23

Township: 7

Range: 7

Street Name GAUTIER VANCLEAVE
RD

Value and Tax Information

Total Assessed Value: 13046

Total Appraised Value: 86970

Improvement Value: 64430

Land Value: 22540

Tax Amount: 1875

SQ FT: 1785

Year Built: 1986

Legal Description

Description: COM NEC SEC 35 S 1994.75' W 395'
W 372.7' TO POB N 200' W 50' S
200' E 50' TO POB DB 1297-827 (3
Map777.35-01)

Deed Book / Page: 1297 / 827

82435010.075 SOUTHERN OIL COMPANY INC



Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department



Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

AG	AG
C-1	C-1
C-2	C-2
C-3	C-3
I-2	I-2
MURC-1	MURC-1
MURC-2	MURC-2
MURC-MW	MURC-MW
PL	PL
PUD	PUD
R-1	R-1
R-2	R-2
R-3	R-3
RE	RE
TC	TC

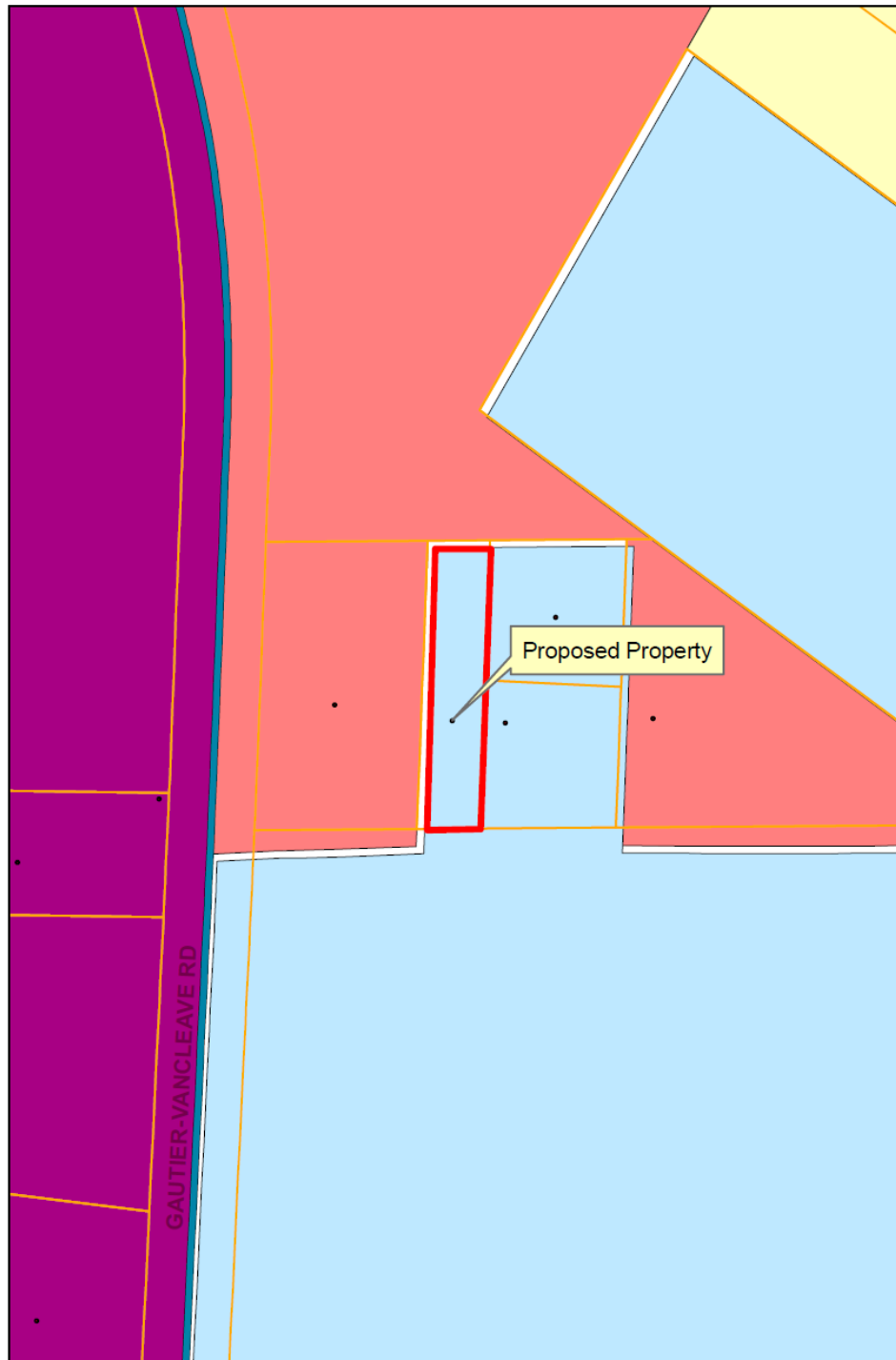


Exhibit C

Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

- commercial-retail
- conservation
- civic
- industrial
- marina/fish camps
- high density residential
- mobile home
- mobile home park
- medium density residential
- office
- recreation
- very low to low density residential
- utility
- vacant

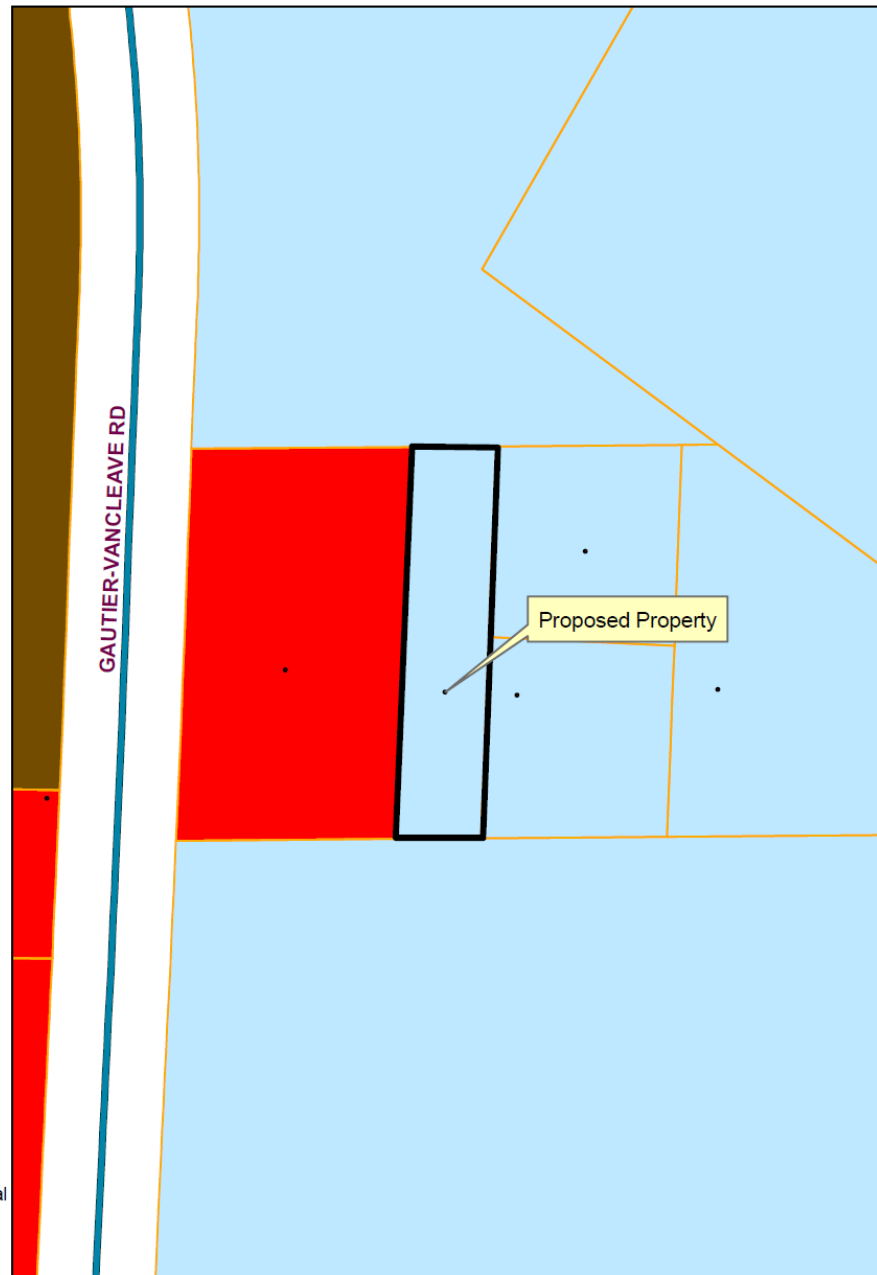


Exhibit D Future Land-Use

Prepared By:

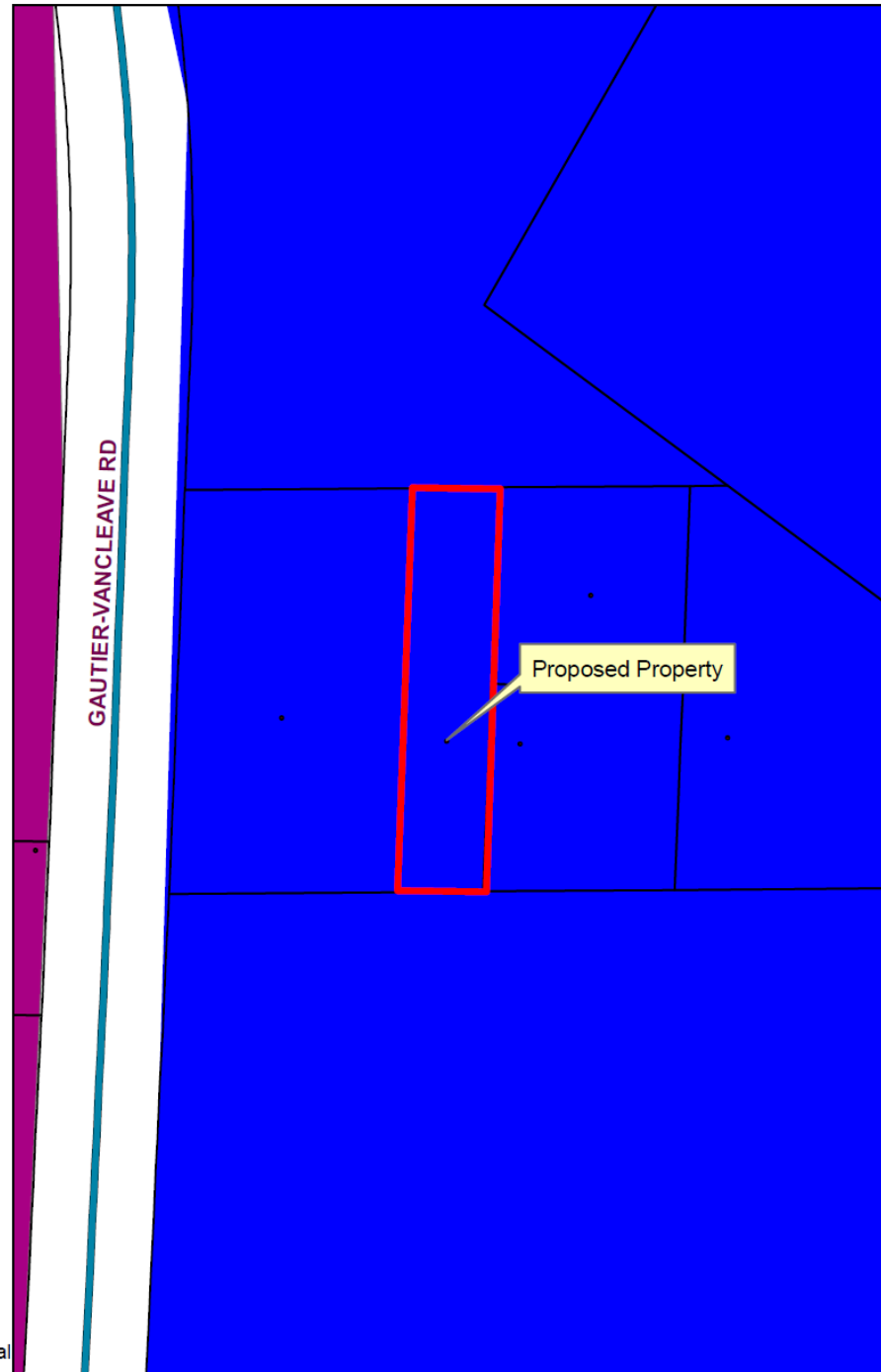
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

-  Civic
-  high impact commercial
-  Conservation
-  High Density Residential
-  Industrial
-  Low Density Residential
-  Medium Density Residential
-  Mobile Home Residential
-  low impact Commercial
-  Recreational
-  recreational commercial
-  Regional Scale Commercial
-  mixed use residential
-  Town Center
-  Very Low Density Residential



Gautier Planning Commission

Regular Meeting Agenda

August 1, 2024

GPC #24-28-VAR

1216 Grandview Drive

VII. NEW BUSINESS

2. Consider a request for a fifteen-foot (15') variance to secondary front yard setback requirements for a fence in a R-1 Low Density Single-Family Residential Zoning District. 1216 Grandview Drive, (GPC #24-28-VAR)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: July 22, 2024

Subject: Consider a request for a fifteen-foot (15') variance to secondary front yard setback requirements for a fence in a R-1 Low Density Single-Family Residential Zoning District at 1216 Grandview Drive, (GPC #24-28-VAR)

REQUEST:

The Planning Department has received a request from Charles "Vance" Cochran for a fifteen-foot (15') variance to secondary front yard setback requirements for a fence in a R-1 Low Density Single-Family Residential Zoning District at 1216 Grandview Drive, PID #85937028.000 (GPC #24-28-VAR). The application fee of \$175 was paid on June 25, 2024. All public notice requirements have been met.

BACKGROUND:

The applicant's house is located on 1216 Grandview Drive. He also owns the lot directly behind the lot his house is on. He would like to place a 6' privacy fence 10' from his property line that runs along Lagrange Drive. This area would be considered a secondary front yard because it is located on a street. The front setback requirement in a R-1 Low Density Single-Family Residential District is 25' from the property line, therefore the setback for a secondary front yard would be 25' also. The applicant needs a 15' variance to secondary front yard requirements.

DISCUSSION:

The applicant is asking for a 15' variance to the secondary front yard requirements so he can put up a 6' privacy fence around his rear yard that runs along Lagrange Drive.

DETERMINATION OF APPLICABLE LAW:

The Unified Development Ordinance (UDO) defines **Variances** as:

A Variance is a relaxation of the terms of the Unified Development Ordinance where such Variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, a literal enforcement of the Ordinance would result in an unnecessary or undue hardship. As used in this Ordinance, a Variance is authorized only for height, area and size of structure, or size of yards, separation of uses, open spaces, off-street parking spaces and some subdivision of property. The establishment or expansion of a use not permitted shall not be allowed by Variance.

The UDO defines **Hardship** as:

Hardship means the unnecessary hardship that would result from a failure to grant the requested variance or special exception. An unnecessary hardship exists if:

- (1) the land in question cannot yield a reasonable return if used only
 - (a) for a purpose allowed in that zone (applicable to special exceptions), or
 - (b) as permitted by the dimensional requirements of this ordinance (applicable to variances);
- (2) that the plight of the owner is due to unique circumstances of the land for which the variance or special exception is sought; and
- (3) that the use to be authorized by the variance will not alter the essential character of the locality.

UDO SECTION 4.18: Variance

In certain circumstances, a Variance from the dimensional requirements (i.e. height, setbacks, square footage) of this ordinance may be granted if the applicant can prove that because of physical constraints of the property involved, he is not able to build the same type of structure that other persons with the same zoning classification can build. Variances for uses permitted will not be considered in as much as “use Variances” are not legal in the State of Mississippi.

Most Variances must be granted by the City Council; however, certain minor Variances may be granted by the Economic Development Director in accordance with *Section 4.18.3* below.

4.18.1 Who May Initiate

A request for a Variance may be initiated by the property owner or agent of the owner provided that said property has not been denied a previous request for a Variance for the same property or portion of property within the past twelve (12) months.

4.18.2 Application for Variance

Applications for a Variance (from dimensional requirements) may be filed on the appropriate application available from the Economic Development/Planning Department and shall include all requested information, attachments and submittals:

4.18.3 Administrative Variances

The following dimensional variances may be granted by the Economic Development Director at his/her discretion (Note: Within the COR, Corridor Overlay District, applicants shall be required to mitigate a requested dimensional variance in accordance with the Tier Land Use Provisions in Section 5.11):

- A. 30% of required off-street parking spaces and/or
- B. 30% of required setbacks from property lines

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

- A. That special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are

not applicable to other sites (lots or parcels) or structures or buildings in the same district;

- B. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance;
- C. That the special conditions and circumstances do not result from actions of the applicant; and
- D. That granting the Variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other similar sites (lots or parcels) structures or buildings in the same district.

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets all "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

- 1. Recommend that City Council approve the variance request as presented;
- 2. Recommend that City Council approve the variance request with changes; or
- 3. Recommend that City Council deny variance request.

ATTACHMENTS:

- 1. Applicant's Exhibit 1 – Application
- 2. City's Exhibit A – Location Map
- 3. City's Exhibit B – Existing Zoning Map
- 4. City's Exhibit C – Existing Land Use Map
- 5. City's Exhibit D – Future Land Use Map

GAUTIER, MISSISSIPPI

PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

24-28-VAR

TO BE HEARD BY GAUTIER PLANNING COMMISSION:

FEE:

Variance

\$176.00

*Includes \$1.00 filing fee per MS Code §25-60-5

Name of Applicant: Charles "Vance" Cochran

Name of Business: _____ Phone: 228-217-9629

Property Address: 1216 Grandview Dr Mailing Address (if Different): _____

E-Mail Address: vance.cochran@gmail.com

Reason for request, location and intended use of Property: I don't want to surrender any of my property and wish to fence in my entire yard. (15' Variance to Secondary Front yard)

ATTACHMENTS REQUIRED AS APPLICABLE:

- X 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- X 2. A detailed project narrative.
- NA 3. Copy of protective covenants or deed restrictions, if any.
- NA 4. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- NA 5. Any other information requested by the Planning Director.

Signature of Applicant: [Signature] Date of Application: 6-6-24

FOR OFFICE USE ONLY

Date Received 6-25/24 Verify as Complete Bals

Fee Amount Received 176.00 Initials of Employee Receiving Application Bals

VARIANCE

Criteria for Approval

1. What special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels), or structures or buildings in the same district?

We own the lot behind our house and we want to be able to use as much of it as possible.

2. Are these special conditions and circumstances a result of your actions? Explain.

No

3. How will the literal interpretation of the provisions of this Ordinance deprive you of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance? Explain.

there are other lots on LaGrange where the fences are about 10' from the property line.

4. Will the granting of the Variance requested confer upon you any special privilege that is denied by this Ordinance to other similar sites (lots or parcels), structures or buildings in the same district? Explain.

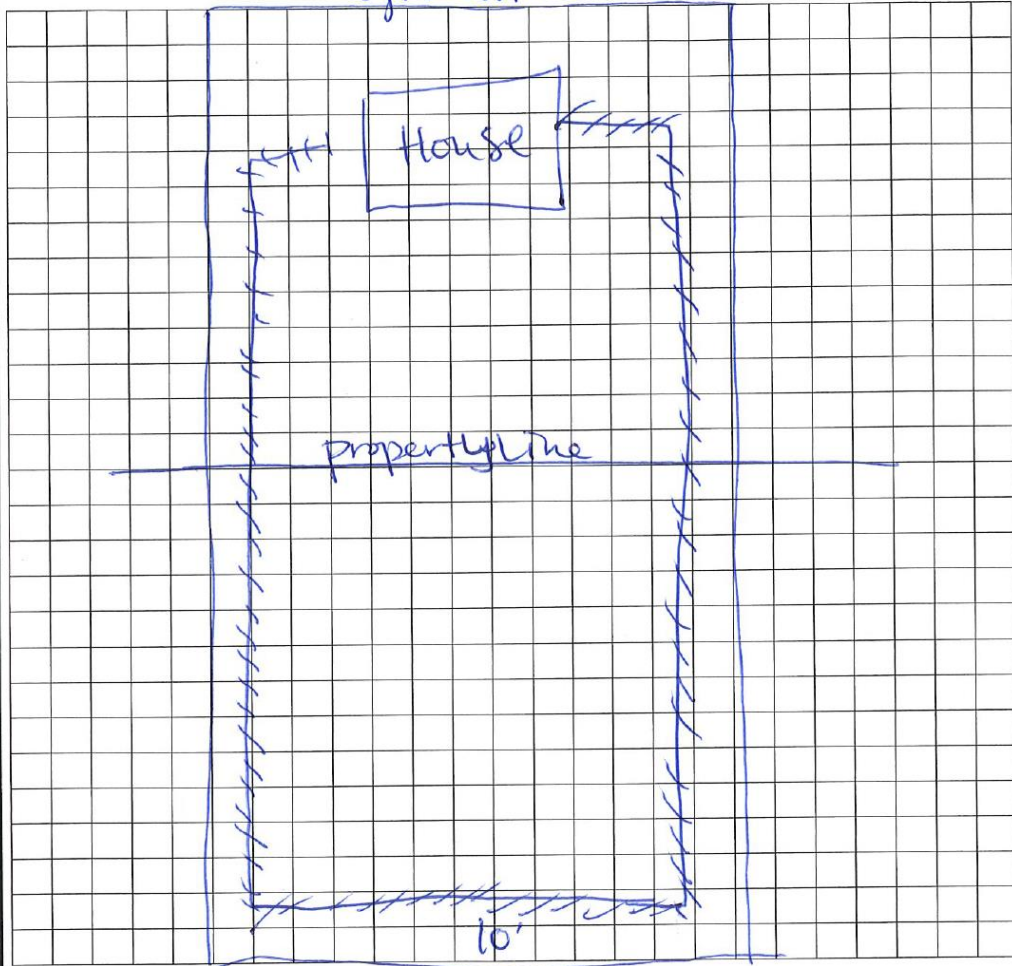
No

NARRATIVE

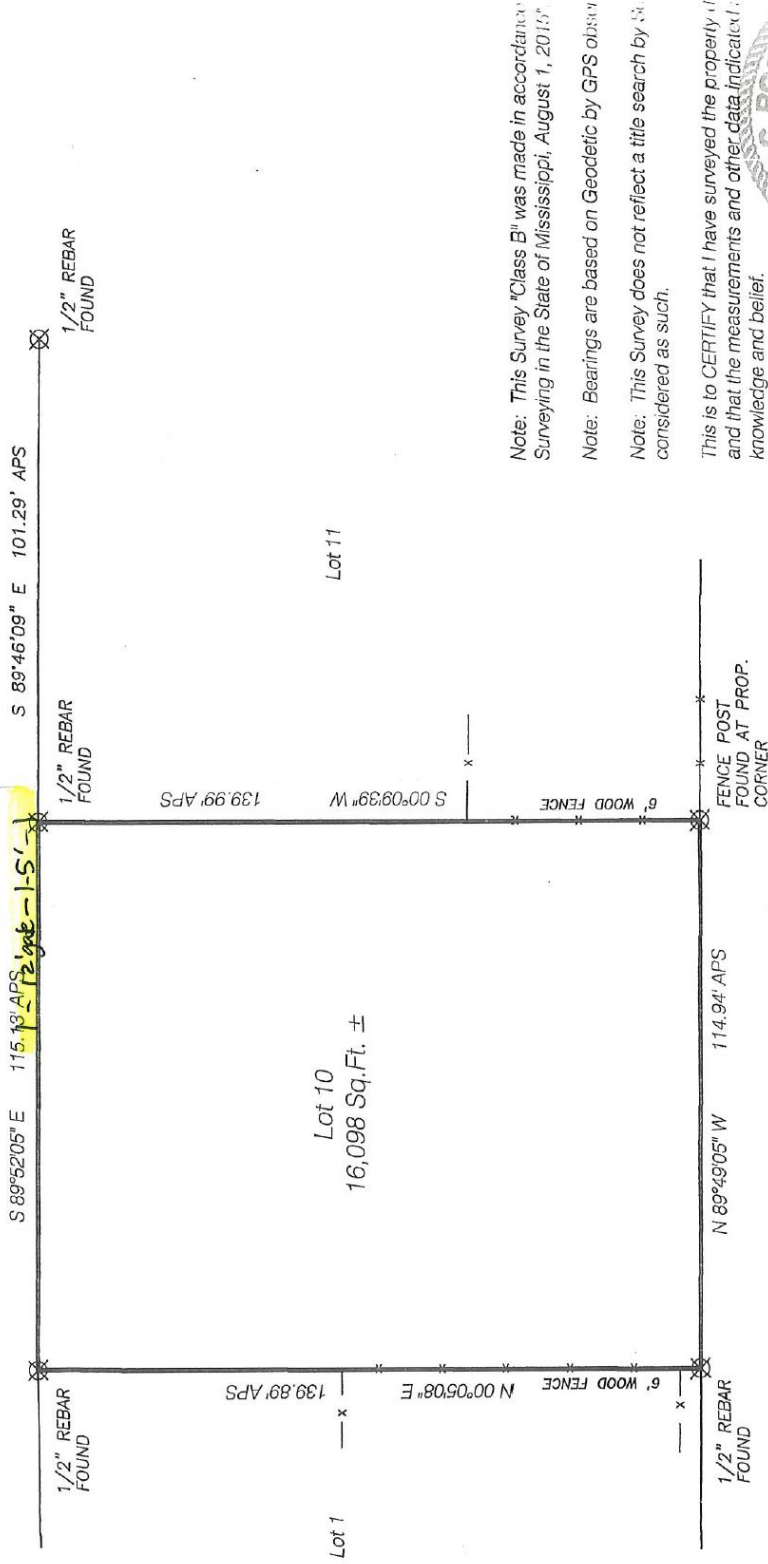
I, Vance Cochran, own the property that is 1216 Grandview. I also own the property to the rear of my home, Lot 10 Block 4 Martin Bluff Subdivision. This lot is an extension of my backyard. I want to erect a fence around my entire property. There is a precedence of other lots on Lagrange (northside) with fencing approximately ten feet from the road. I would like to do this as well. My 6' privacy fence will have a gate at Lagrange and at my existing driveway at Grandview.

DIAGRAM

Grandview



Lagrange



Note: This Survey "Class B" was made in accordance with the Surveying in the State of Mississippi, August 1, 2015.
 Note: Bearings are based on Geodetic by GPS observations.
 Note: This Survey does not reflect a title search by the Surveyor.
 This is to CERTIFY that I have surveyed the property and that the measurements and other data indicated are true to knowledge and belief.

James C. Booth, Jr.
 JAMES C. BOOTH JR.
 LAND SURVEYOR
 P.L.S. #2666
 April 23, 2019
 STATE OF MISSISSIPPI

- REFERENCES:
- 1) PLAT OF MARTIN BLUFF SUBDIVISION
 - 2) DEED BOOK 1700 PAGE 64

SEYMOUR ENGINEER
 925 TOMMY MUNRO DRIVE, SUITE G
 PHONE: ()

85937028.000 COCHRAN VANCE &

PIDN: 85937028.000

GISP: 763.07-02-0159.00

Owner Information

Percent of Ownership: 100

Name: COCHRAN VANCE &

Name 2: COCHRAN CHRISTINA R

Mailing Address: 1216 GRANDVIEW ST
GAUTIER MS
39553

Site Address: LAGRANGE DR GAUTIER

Land Information

Section: 3 Acreage: 0

Township: 7

Range: 6

Street Name LAGRANGE
DR

Value and Tax Information

Total Assessed Value: 2768

Total Appraised Value: 18450

Improvement Value: 0

Land Value: 18450

Tax Amount: 398

SQ FT: 0

Year Built: 0

Legal Description

Description: LOT 10 BLK 4 MARTIN BLUFF S/D DB
1998-660 (159 MAP763.07-02)

Deed Book / Page: 1998 / 660



Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

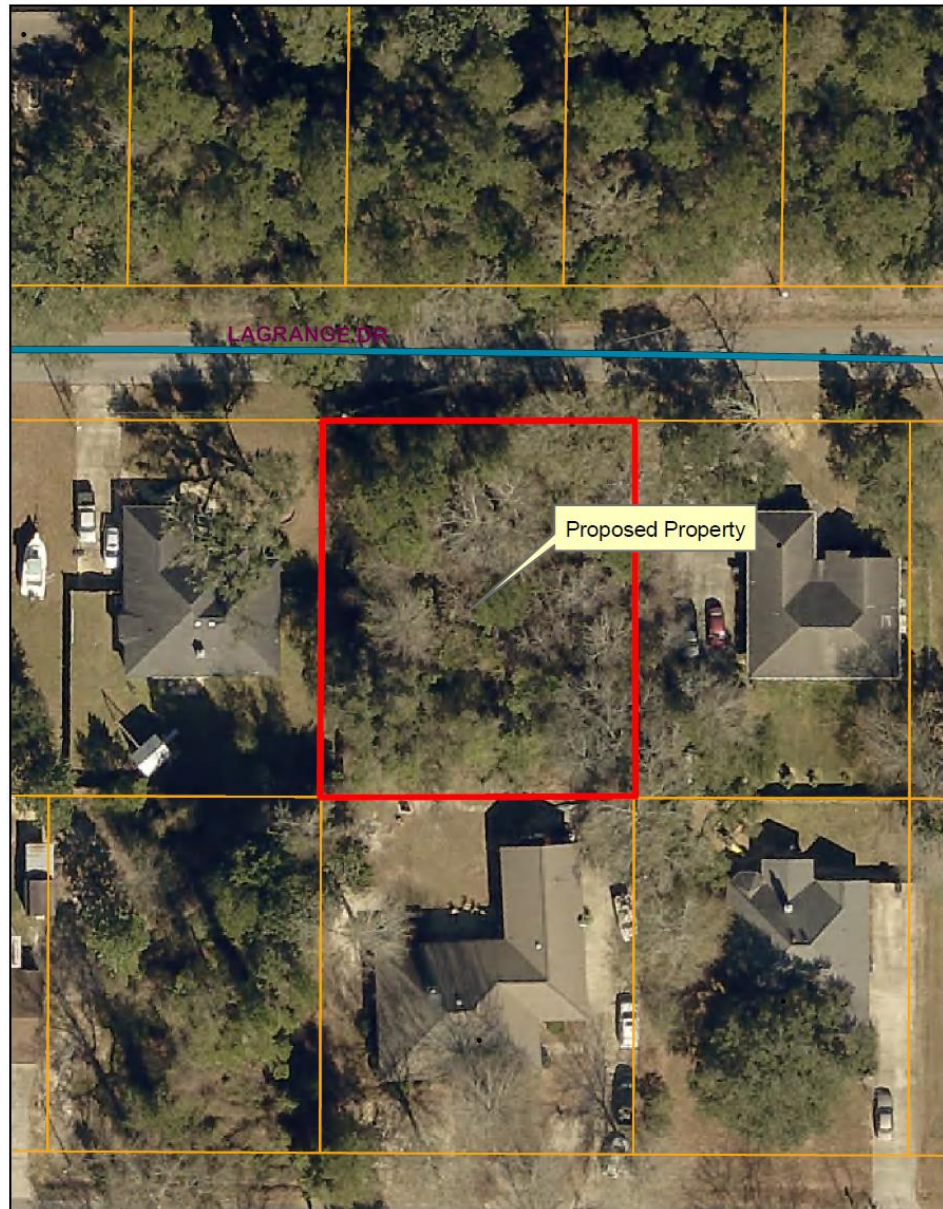


Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

	AG
	C-1
	C-2
	C-3
	I-2
	MURC-1
	MURC-2
	MURC-MW
	PL
	PUD
	R-1
	R-2
	R-3
	RE
	TC

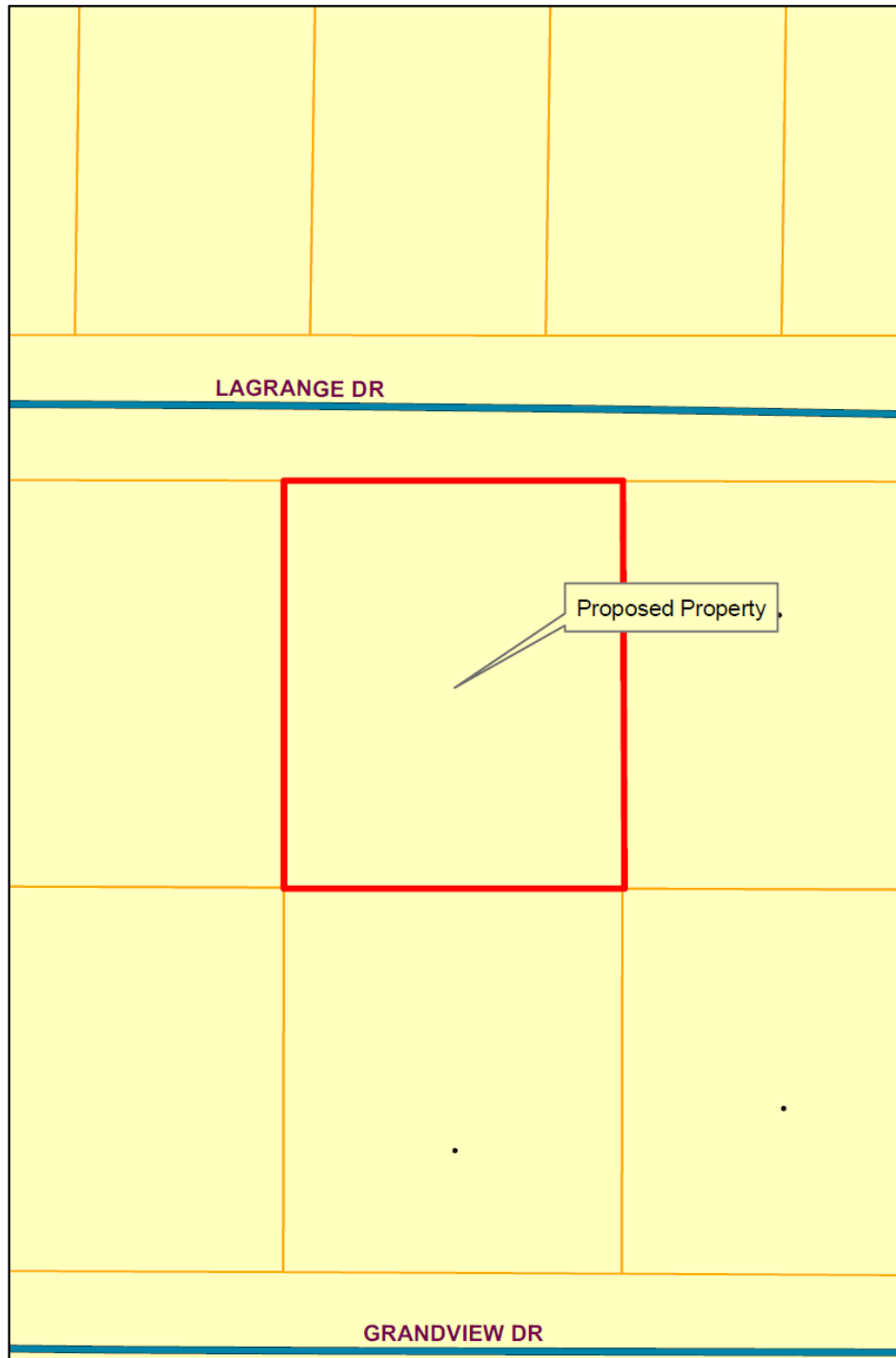


Exhibit C Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

	commercial-retail
	conservation
	civic
	industrial
	marina/fish camps
	high density residential
	mobile home
	mobile home park
	medium density residential
	office
	recreation
	very low to low density residential
	utility
	vacant

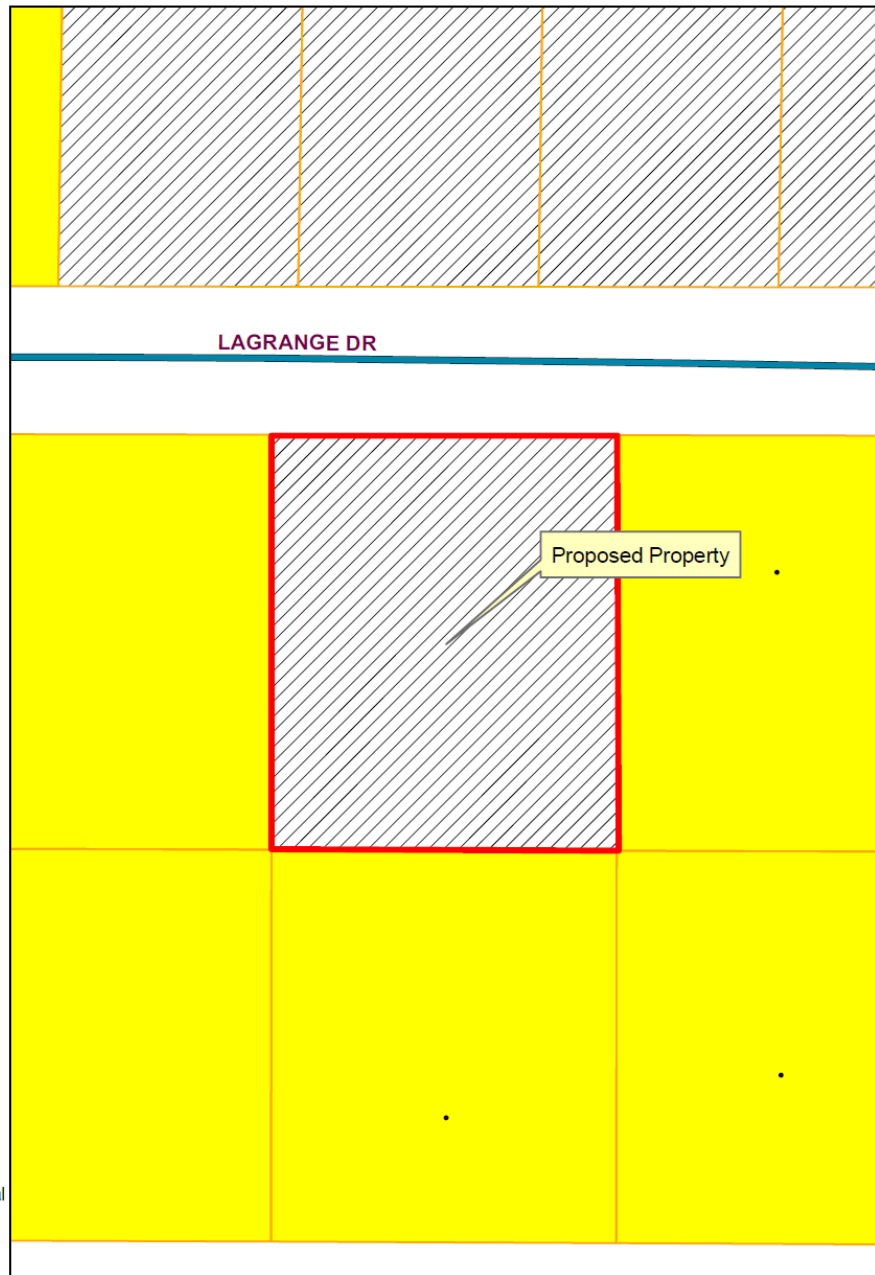


Exhibit D Future Land-Use

Prepared By:

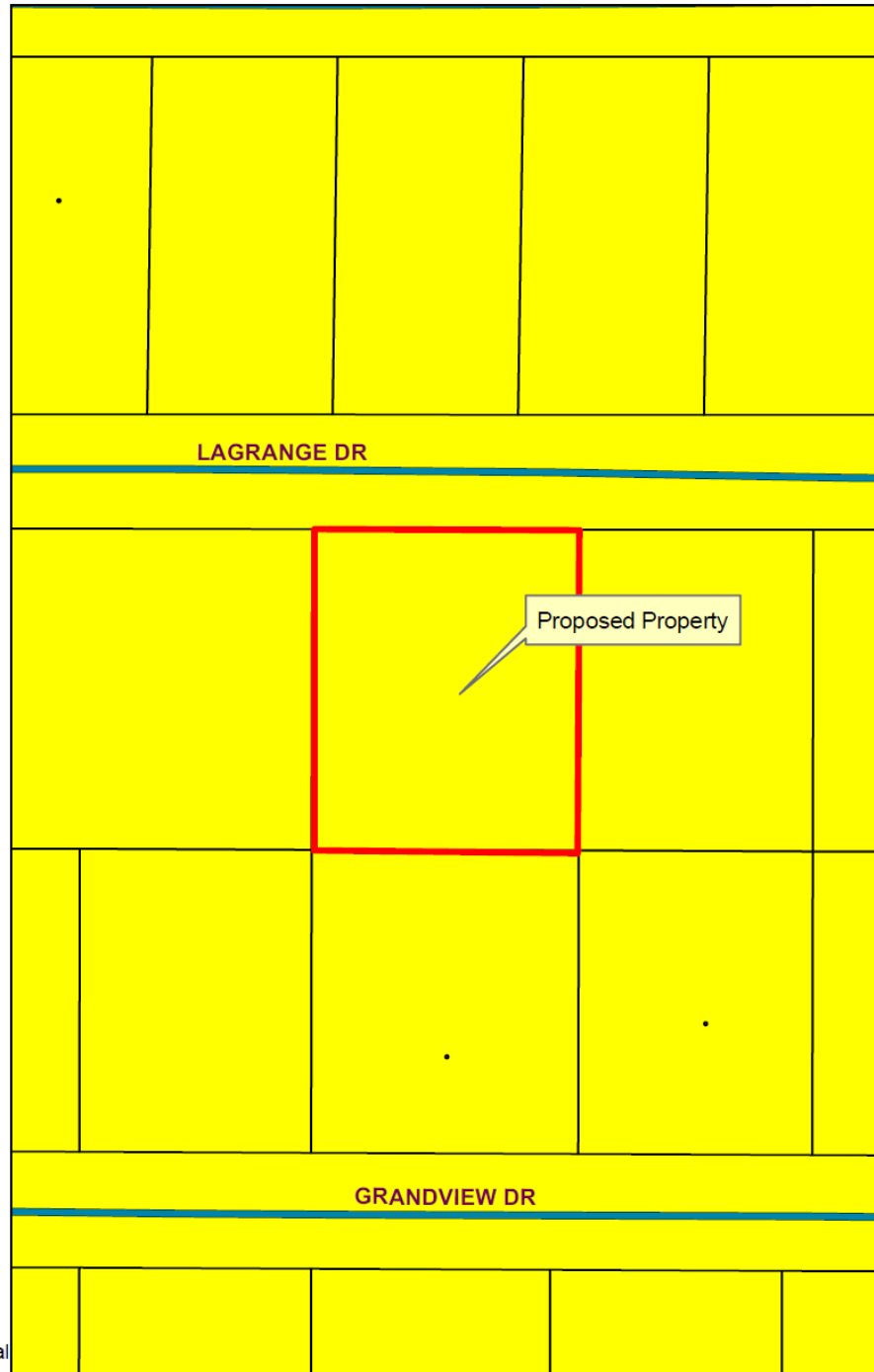
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

	
	Civic
	high impact commercial
	Conservation
	High Density Residential
	Industrial
	Low Density Residential
	Medium Density Residential
	Mobile Home Residential
	low impact Commercial
	Recreational
	recreational commercial
	Regional Scale Commercial
	mixed use residential
	Town Center
	Very Low Density Residential



Gautier Planning Commission

Regular Meeting Agenda

August 1, 2024

GPC #24-29-SE

Kenneth Simmons & Kenli Simmons Fall

3204 Willis Drive

VII. NEW BUSINESS

3. Consider a request for a Special Exception that would allow an accessory structure on a lot without a primary structure in a MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District. 3204 Willis Drive, (GPC #24-29-SE)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: July 23, 2024

Subject: Consider a request for a Special Exception that would allow an accessory structure to be located on a lot without a primary structure in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District, 3204 Willis Street. (GPC #24-29-SE)

REQUEST:

The Planning Department has received a request from Kenneth Simmons & Kenli Simmons Fall for a Special Exception that would allow an accessory structure to be located on a lot without a primary structure in the MURC-MW Mixed Use Recreation Commercial – Mary Walker Zoning District at 3204 Willis Street, PID #87420025.000 (GPC #24-29-SE). The application fee of \$250 was paid on July 12, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned MURC-MW Mixed Use Recreation Commercial – Mary Walker.

1. Location: 3204 Willis Street, PID #87420025.000 (See Exhibit A)
2. General features of the proposed project:
Lot Size: 0.37 acres
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): MURC-MW Mixed Use Recreation Commercial – Mary Walker
5. Current Surrounding Zoning (See Exhibit B): MURC-MW Mixed Use Recreation Commercial
6. Current Surrounding Existing Land Use (See Exhibit C): Residential, Vacant, Fish Camps, Marina, Mobile Home Park
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Recreational Commercial.

DISCUSSION:

The following addresses the review criteria for a Special Exception outlined in Section 4.16.4 of the UDO.

1. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant?

Applicant Response: *There are other boathouses and sheds in the area that are on lots without a house or mobile home.*

Staff Finding: *There are other accessory structures on lots in the area that do not have a primary structure.*

2. Explain how the requested Special Exception will be in harmony with the purpose of the City of Gautier's Unified Development Ordinance and will not be injurious to the neighborhood or the general welfare?

Applicant Response: *It will not be injurious to the neighborhood because there are other boathouses and sheds in the area.*

Staff Finding: *A boathouse and boat lift are in keeping with the purpose and intent of the MURC-MW as defined in the UDO. Staff's opinion is that approval of the request will not negatively affect the neighborhood.*

3. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant.

Applicant Response: *In July 2018 I was approved to place an RV on the lot. The RV would not always be on site. I would like to build a boathouse for my boat and a shed to store things in.*

Staff Finding: *Unsubstantiated*

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines a Special Exception as a relaxation of the terms of the Unified Development Ordinance where such an exception will not be contrary to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the ordinance would result in undue hardship. Special Exceptions are necessary when an applicant seeks to establish or expand a use not ordinarily permitted in a specific zoning district. "Special Exceptions" are not transferable from one (1) owner of land to another.
2. Special Exception requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).

3. Once an application for a Special Exception is submitted to the Planning Department, the procedures outlined in UDO Section 4.14.1 will be followed. At the appropriate time, The Planning Commission will conduct a public hearing to determine whether the applicant meets all relevant criteria, and make a recommendation to City Council pursuant to UDO Section 4.14.4. City Council, pursuant to UDO Section 4.14.4(C), will then consider the matter at its next regularly scheduled meeting and approve or deny the Special Exception.
4. A Special Exception is required for uses not ordinarily permitted in a specific zoning district. Special Exceptions are not permitted by right, and may only be granted when certain criteria are established. (4.16.4)
5. Special Exceptions do not run with the land, and may be revoked by the Planning Department if any of the following circumstances are discovered:
 - A. The property changes ownership
 - B. The property is being utilized in a manner not permitted under the zoning regulations or the special exception; or
 - C. The property ceases to be used for the purpose allowed in the Special Exception for a period of one hundred eighty (180) days during the existence of the Special Exception.

The UDO defines **Hardship** as:

Hardship means the unnecessary hardship that would result from a failure to grant the requested variance or special exception. An unnecessary hardship exists if:

- (1) the land in question cannot yield a reasonable return if used only
 - (a) for a purpose allowed in that zone (applicable to special exceptions), or
 - (b) as permitted by the dimensional requirements of this ordinance (applicable to variances);
- (2) that the plight of the owner is due to unique circumstances of the land for which the variance or special exception is sought; and
- (3) that the use to be authorized by the variance will not alter the essential character of the locality.

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets the "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the Special Exception;
2. Recommend that City Council approve the Special Exception with changes; or
3. Recommend that City Council deny the Special Exception.

ATTACHMENTS:

1. Applicant's Exhibit 1 – Application
2. City's Exhibit A – Location Map
3. City's Exhibit B – Existing Zoning Map
4. City's Exhibit C – Existing Land Use Map
5. City's Exhibit D – Future Land Use Map

PLANNING DEPARTMENT
GAUTIER, MISSISSIPPI

SPECIAL EXCEPTION HEARING APPLICATION

Public Hearing Number

24-29-SE

TYPE OF REQUEST:

Special Exception _____

FEE:

\$251.00

*Includes \$1.00 filing fee per MS Code §25-60-5

Special Exception- These uses are not allowed by right and **require** a recommendation by the Planning Commission and approval of the City Council.

Name of Applicant: Kenneth Simmons & Kenli Simmons Fall

Name of Business: NA

Address: 3204 Willis Street, PID # 87420025.000

Mailing Address (if different): 304 CR17, Shingen, MS 39481

Email Address: Kssimmons2008@hotmail.com

Phone: 601-577-0108 Cell Phone: _____

Reason for request, location and intended use of Property: place accessory structure on lot without primary structure

ATTACHMENTS REQUIRED AS APPLICABLE:

- ☒ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- ☒ 2. Legal descriptions and street address.
- ☒ 3. A detailed project narrative that also addresses the questions on the "Criteria for Approval" page of this application.
- NA 4. Copy of protective covenants or deed restrictions, if any.
- NA 5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- NA 6. Any other information requested by the Planning Director.
- NA 7. Owner's Consent form if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant: See file

FOR OFFICE USE ONLY

Date Received 7/12/24 Verify as Complete BE/SCOTT

Fee Amount Received 251.00

Initials of Employee Receiving Application Bals

I, Kenneth Simmons + Kenli Simmons Fall the fee simple owner(s) of the following described property:

Address:

3204 Willis Street

Parcel ID No.:

87420025.000 / 87420024.000

hereby petition to the City of Gautier to Grant a ^{Special Exception} ~~Conditional Use~~ Major or Minor of a Camper Shed w/Slab, Boat Shed w/Lift, Bulkhead (state proposed use from Article V of the Unified Development Ordinance) at the above reference property and affirm that Ourselves (name of agent) is hereby designated to act as agent on my behalf to accomplish the above.

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand this application; attachments and fees become part of the official records of the City of Gautier, MS, and are not returnable.

Kenneth S. Simmons
(Owner's Signature)

Kenli Simmons Fall
(Owner's Signature)

Notary Information:

The foregoing instrument was acknowledged before me this 11th day of July, 2024 by Teresa Terry, who is personally known to me or has produced Known to me as identification and who did take an oath.

Teresa Terry
(Printed Name of Notary Public)

Teresa Terry
(Signature of Notary Public)



Commission # 90017. My commission expires June 24, 2028.

SPECIAL EXCEPTION

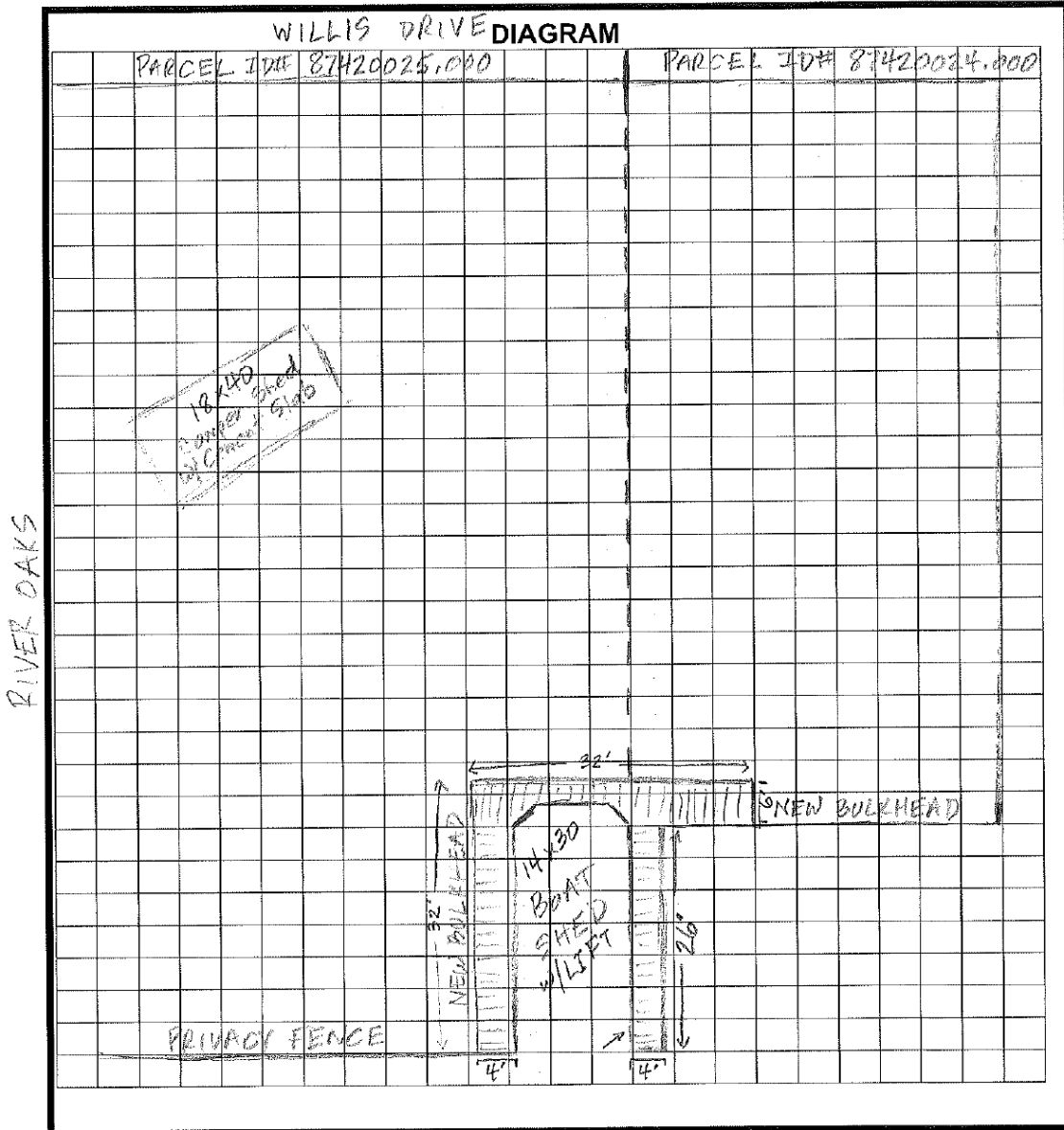
Criteria for Approval Special Exception

- A. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant? *there are other boat houses and sheds in the area that are on lots without a house or mobile home*
- B. Explain how the requested Special Exception will be in harmony with the purpose and intent of the City of Gautier's Unified Development Ordinance and will not be injurious to the neighborhood or the general welfare? *It will not be injurious to the neighborhood because there are other boat houses and sheds in the area*
- C. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant?

In July 2018 I was approved to place an RV on the lot. The RV would not always be on site. I would like to build a boathouse for my boat and a shed to store things in.

Special Exception

CONDITIONAL USE DIAGRAM – Provide a diagram of the project site. In cases where certain requirements such as parking are triggered by aspects of the interior of the building, the interior building layout will need to be provided also. Include location and dimensions of property lines, buildings, parking spaces, outdoor storage areas, outdoor seating areas, signage, landscape areas, driveways, loading/unloading areas, limits of paving, exterior elevations (if changes are proposed), entrance/exit locations. Include the whole site. Use the space below or provide separate drawings. Staff will provide guidance as needed on additional information needed on the diagram.



Special Exception

~~CONDITIONAL USE~~ **NARRATIVE** – Describe the proposed project in detail. Include all types of business activities that will be conducted on-site, any out-door storage or seating proposed, anticipated traffic, access for pick-up/delivery vehicles, proposed improvements, etc. Use the space below or provide a separate type written sheet of paper and attach. Staff will provide guidance as needed on additional information needed in the narrative.

NARRATIVE

Replace rotted and collapsing bulkhead + boardwalks

Construct 14x30 Boat Shed w/Lift

Construct 18x40 Camper Shed on a concrete slab

Construct a privacy fence on the East end of Lot 27
that adjoins Ellen Lee's property

12

OFFICIAL RECORDS JACKSON COUNTY
Josh Eldridge
CHANCERY CLERK
RECORDING FEE: \$14.00
#201709573 BK:1854 PG:729-740
06/22/2017 03:35:35 PM 12 PGS
CSHOWS, DC Rpt#10938



201709573 12 PGS

Prepared by:
William R. Ruffin
Attorney at Law
Post Office Box 565
Bay Springs, MS 39422
(601) 764-4555
MS State Bar #5724

Return to:
William R. Ruffin
Attorney at Law
Post Office Box 565
Bay Springs, MS 39422

STATE OF MISSISSIPPI
COUNTY OF JACKSON

WARRANTY DEED

For and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, we,

**JAMES T. LACY
and wife, HILDA R. LACY
309 4th Avenue
Hattiesburg, Mississippi 39401
(601) 582-8916**

do hereby convey and warrant unto

**KENNETH S. SIMMONS
and KENLI JAMESON SIMMONS
304 County Road 17
Stringer, Mississippi 39481
(601) 577-0108**

as joint tenants with right of survivorship, the following described real property situated and located Jackson County, Mississippi, more particularly and certainly described as follows:

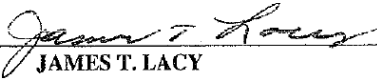
Lots 25, 26 and 27 of Willis Heights #2 Subdivision located in Gautier, Jackson County, Mississippi, as per plat recorded in Plat Book No. 2 at Page 53 in the office of the Chancery Clerk of Jackson County, Mississippi

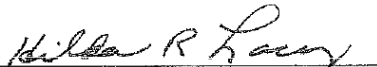
Indexing Instructions: Lots 25, 26, 27, Willis Heights #2 Subdivision

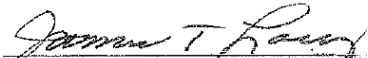
The hereinabove described lands are not a part of the homestead of the Grantors herein.

Taxes for the year 2017 shall be prorated according to ownership of the herein described property.

WITNESS THE SIGNATURES of the Grantors on this the 16th day of June, 2017.

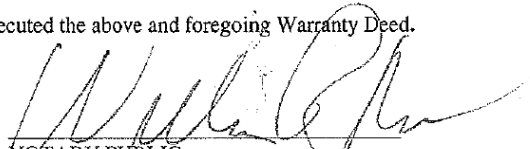

JAMES T. LACY


HILDA R. LACY

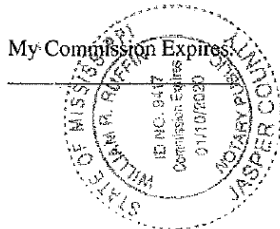
BY: 
JAMES T. LACY, her Agent and Attorney in Fact

STATE OF MISSISSIPPI
COUNTY OF JASPER

PERSONALLY appeared before me, the undersigned authority in and for the said county and state, on this the 16th day of June, 2017, within my jurisdiction, the within named **James T. Lacy**, who acknowledged that he executed the above and foregoing Warranty Deed.

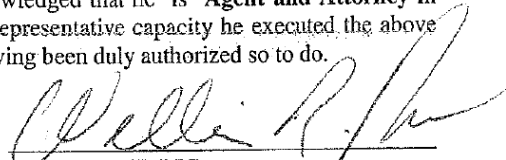

NOTARY PUBLIC

My Commission Expires

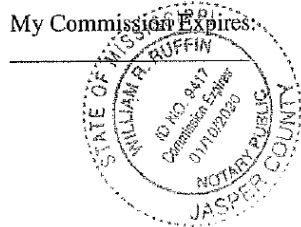


STATE OF MISSISSIPPI
COUNTY OF JASPER

PERSONALLY appeared before me, the undersigned authority in and for the said county and state, on this the 16th day of June, 2017, within my jurisdiction, the within named **James T. Lacy**, who acknowledged that he is **Agent and Attorney in Fact for Hilda R. Lacy**, and that in said representative capacity he executed the above and foregoing Warranty Deed, after first having been duly authorized so to do.


NOTARY PUBLIC

My Commission Expires:



Prepared by:
William R. Ruffin
Attorney at Law
Post Office Box 565
Bay Springs, MS 39422
(601) 764-4555
MS State Bar #5724

Return to:
William R. Ruffin
Attorney at Law
Post Office Box 565
Bay Springs, MS 39422

STATE OF MISSISSIPPI
COUNTY OF JACKSON

WARRANTY DEED

For and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, we,

Kathleen Louise Roberti McDaniel
Trustee of the Paul D. Roberti Trust
Kathleen Louise Roberti, Individually
493 Highland Drive
Madison, Alabama 35758
(256) 770-0059

and **Carolyn Ann Roberti Belton**
Alternate Trustee of the
Paul D. Roberti Trust
Carolyn Ann Roberti Belton,
Individually
1417 Dorothy Street
Ocean Springs, MS 39564
(228) 990-3595

do hereby convey and warrant unto

KENNETH S. SIMMONS
and **KENLI JAMESON SIMMONS**
304 County Road 17
Stringer, Mississippi 39481
(601) 577-0108

as joint tenants with right of survivorship, the following described real property situated and located Jackson County, Mississippi, more particularly and certainly described as follows:

Lot 24, Willis Heights Number 2 Subdivision as shown by map or plat thereof in Plat Book Number 2, at Page 53, of the records of the Chancery Clerk of Jackson County, Mississippi, and being a subdivision of Block B of River Oaks, being Claim Section 8, Township 7 South, Range 6 West, Jackson County, Mississippi.

Indexing Instructions: Lot 24, Willis Heights Number 2 Subdivision

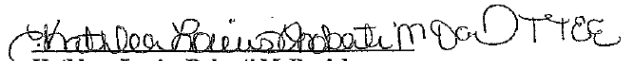
The hereinabove described lands are not a part of the homestead of the Grantors herein.

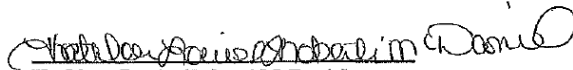
Grantors herein confirm that they are the sole and only Heirs at Law of Paul D. Roberti and that they, as trustee and alternate trustee of the Paul D. Roberti Trust, have authority according to the terms of the Trust Agreement to convey the above described lands to Grantees.

This conveyance is subject to those certain Declaration of Covenants running with the land Hurricane Katrina – Phase II, recorded in the office of the Chancery Clerk of Jackson County, Mississippi in Book 1533 at Page 461, and in Book 1520 at Page 421. Copies attached hereto.

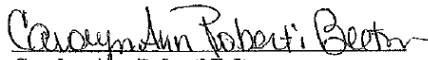
Taxes for the year 2017 shall be prorated according to ownership of the herein described property.

July **WITNESS THE SIGNATURES** of the Grantors on this the 20th day of July, 2017.


Kathleen Louise Roberti McDaniel
Trustee of the Paul D. Roberti Trust


Kathleen Louise Roberti McDaniel
Individually


Carolyn Ann Roberti Belton
Alternate Trustee of the
Paul D. Roberti Trust

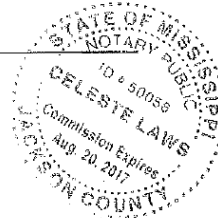

Carolyn Ann Roberti Belton
Individually

STATE OF Mississippi
COUNTY OF Jackson

PERSONALLY appeared before me, the undersigned authority in and for the said county and state, on this the 20th day of July, 2017, within my jurisdiction, the within named **Carolyn Ann Roberti Belton**, who acknowledged that she is **Alternate Trustee of the Paul D. Roberti Trust**, and that in said representative capacity he executed the above and foregoing Warranty Deed, after first having been duly authorized so to do.

Celeste Laws
NOTARY PUBLIC

My Commission Expires:
08/20/17



STATE OF Mississippi
COUNTY OF Jackson

PERSONALLY appeared before me, the undersigned authority in and for the said county and state, on this the 20th day of July, 2017, within my jurisdiction, the within named **Carolyn Ann Roberti Belton**, who acknowledged that she executed the above and foregoing Warranty Deed.

Celeste Laws
NOTARY PUBLIC

My Commission Expires:
08/20/17

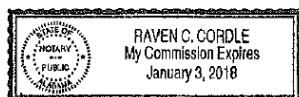


STATE OF Alabama
COUNTY OF Madison

PERSONALLY appeared before me, the undersigned authority in and for the said county and state, on this the 19th day of July, 2017, within my jurisdiction, the within named **Kathleen Louise Roberti McDaniel** who acknowledged that she is **Trustee of the Paul D. Roberti Trust**, and that in said representative capacity he executed the above and foregoing Warranty Deed, after first having been duly authorized so to do.

R.C. Cordle
NOTARY PUBLIC

My Commission Expires:



STATE OF ALABAMA
COUNTY OF Madison

PERSONALLY appeared before me, the undersigned authority in and for the said county and state, on this the 19th day of July 2017, within my jurisdiction, the within named **Kathleen Louise Roberti McDaniel**, who acknowledged that she executed the above and foregoing Warranty Deed.

R.C. Cordle
NOTARY PUBLIC

My Commission Expires:





200739497 5 PGS

OFFICIAL RECORDS JACKSON COUNTY
TERRY HILL
CHANCERY CLERK
RECORDING FEE: \$13.00
#200739497 BK: 1520 PG: 421-425
12/25/2007 03:28 PM 5 PGS
DURRY, DC Rpt#WZ1053

The space above is reserved for Recordation

Return Document to:
Reznick Mississippi LLC
Post Office Box 68
Clinton, MS 39060-066

Prepared by:
John H. Rice, Esq.
Balch & Bingham, LLP
Post Office Box 130
1310 Twenty-Fifth Avenue
Gulfport, MS 39502-0130
Phone: 228/664-9600

Grantor(s):
PAUL D ROBERTI TRUSTEE
3216 WILLIS ST
GAUTIER, MS 39553
(256) 682-5627

Grantee:
Mississippi Development Authority
Post Office Box 848
Jackson, MS 39205

Indexing Instructions 2 (As Identified by Title): Lots Nos. 21 - 24 Willis Heights #2, Jackson, County, Mississippi.

DECLARATION OF
COVENANTS RUNNING WITH THE LAND
HURRICANE KATRINA-PHASE II

THIS DECLARATION OF COVENANTS RUNNING WITH THE LAND ("Covenants") is made by the undersigned homeowner(s) ("Owner") effective as of the date set forth herein below.

RECITALS

The Owner is the fee simple owner of the property described on Exhibit "A" ("Property") attached hereto. The structure located on the Property was damaged or destroyed by Hurricane Katrina on August 29, 2005. The Owner has been awarded a grant from the United States of America under the HUD Community Development Block Grant ("CDBG") Program, which Program is being administered by the Mississippi Development Authority ("MDA").

Page 1 of 5



04H031080, PAUL D ROBERTI TRUSTEE

AGREEMENTS

NOW, THEREFORE, for and in consideration of the grant proceeds, the receipt of which is duly acknowledged, as a condition of Owner receiving such grant proceeds, and in order to mitigate future damage from hurricanes and similar natural disasters, Owner hereby makes the following covenants and agreements, which covenants and agreements shall constitute perpetual covenants and restrictions running with and encumbering the Property.

1. **Covenant as to Flood Elevation:** If a structure on the Property was destroyed by Hurricane Katrina or if there is hereafter a tearing down or destruction of a structure located on the Property, any rebuilding of a new structure shall conform to the latest (most recent) elevation requirement(s) issued by FEMA, or its successors, pursuant to the National Flood Insurance Program, or a successor program, whether advisory, preliminary or final. This elevation requirement applies only to the principal residential or commercial structure located on the Property, and not accessory structures, including, but not limited to, parking garages; carports, parking lots, sheds and storage buildings.

2. **Covenant as to Insurance:** Any structure on any part of the Property shall, at all times, be insured under a policy of flood insurance in the amount of the lesser of (i) One Hundred Per Cent (100%) of the full insurable value of the structure as determined by the applicable property insurer; or (ii) the maximum amount available for the property under the National Flood Insurance Program, or a successor program, required for residential or commercial properties, depending on the usage or zoning of the property. Such structure also shall, at all times, be insured under a policy of casualty insurance in an amount not less than the full insurable value of the structure as determined by the property insurer. This flood insurance and casualty insurance requirement applies only to the principal residential or commercial structure located on the Property, and not accessory structures, including but not limited to, parking garages, carports, parking lots, sheds and storage buildings.

3. **Covenant as to Building Codes:** If a structure located on the Property has been replaced or repaired as of the date of execution of these Covenants, the structure shall conform to the minimal building codes in the jurisdiction in which the Property is located in effect at the time the replacement or repair was commenced. Any repairs commenced on or after the date of execution of these Covenants and any structure hereafter placed on the Property shall conform to the minimal standards set by the 2003 International Residential or Commercial Building Code.

4. **Covenant as to Manufactured Housing:** If housing hereafter placed on the Property shall be manufactured housing, such housing shall comply with the Federal Manufactured Housing Code required by HUD at the time of placement on the Property and shall conform to the latest (most recent) elevation requirement(s) issued by FEMA, or its successors, pursuant to the National Flood Insurance Program, or a successor program, whether advisory, preliminary or final.

5. **Covenants Running With The Property:** These Covenants shall constitute covenants running with the Property and shall be binding upon the Owner and the Owner's successors and assigns.

6. **Enforcement of Covenants:** These Covenants shall be enforceable, at law or in equity, by the county or municipality where the Property is located, the State of Mississippi, or the United States of America, and Owner(s) hereby agree(s) that injunctive relief shall be available to enforce these Covenants. The priority of any first mortgage lien encumbering the Property shall not be affected by any judgment or other lien obtained for a violation of these Covenants.

7. **Release:** On the request of the then owner of the Property, and joined by any first lien holder, these Covenants may be released, in whole or in part, by the Mississippi Development Authority, its successor, or such other authority designated by the Governor of the State of Mississippi, if, in its judgment, the Covenant to be released no longer serves its intended purpose or if it is otherwise in the best interests of the public to do so.

8. **Definitions:** The terms "repair," "repaired," "rebuild," and "rebuilt" as used in these Covenants shall be determined and interpreted by the local building officials of the governmental authority having jurisdiction over the Property. A duly issued certificate of occupancy, or its equivalent, issued by the governmental authority having jurisdiction over the Property shall be prima facie evidence that these Covenants have been complied with as of the date of the issuance thereof.



These Covenants shall be recorded in the land deed records of the Office of the Chancery Clerk of the County, and, if applicable, Judicial District, in which the Property is located.

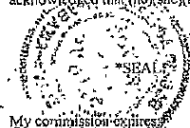
This the 11th day of December, 2007

HOMEOWNER: PAUL D. ROBERTI TRUSTEE	CO-HOMEOWNER 1:
Print Name: <u>Paul D. Roberti Trustee</u>	Print Name:
Signature: <u>Paul D. Roberti</u>	Signature:
CO-HOMEOWNER 2:	CO-HOMEOWNER 3:
Print Name:	Print Name:
Signature:	Signature:
CO-HOMEOWNER 4:	CO-HOMEOWNER 5:
Print Name:	Print Name:
Signature:	Signature:
CO-HOMEOWNER 6:	CO-HOMEOWNER 7:
Print Name:	Print Name:
Signature:	Signature:
CO-HOMEOWNER 8:	CO-HOMEOWNER 9:
Print Name:	Print Name:
Signature:	Signature:

STATE OF MISSISSIPPI
COUNTY OF JEFFERSON

AMANDA GIBSON
Notary Public, At. State at Large
My Comm. Expires Nov. 22, 2009

Personally appeared before me, the undersigned authority in and for the said county and state, on this 11th day of December, 2007 within my jurisdiction, the within named, Paul D. Roberti who acknowledged that (he)(she)(they) executed the above and foregoing instrument.



Amanda Gibson
NOTARY PUBLIC

AMANDA GIBSON
Notary Public, At. State at Large
My Comm. Expires Nov. 22, 2009



064821063 PAUL D ROBERTI TRUSTEE

STATE OF MISSISSIPPI
COUNTY OF

AMANDA GIBSON
Notary Public, AL State at Large
My Comm. Expires Nov 22, 2009

Personally appeared before me, the undersigned authority in and for the said county and state, on this 11th day of December, 2007, within my jurisdiction, the within named, Paul D. Roberch who acknowledged that he (she) (they) executed the above and forgoing instrument.

Amanda Gibson
NOTARY PUBLIC

AMANDA GIBSON
Notary Public, AL State at Large
My Comm. Expires Nov 22, 2009



Exhibit "A"

Residence Address: 3216 WILLIS ST. GAUTIER, MS 39563

Tax Parcel Number: 07420022

County of Residence: JACKSON

Legal Description: Lots Nos. 21, 22, 23, and 24 of Willis Heights #2, as per Plat thereof now of record in Book #2, Page #53, Records of Official Plats of Jackson County, Mississippi, on file in the Office of the Chancery Clerk of said Jackson County, Mississippi.

Indexing Instructions: Lots Nos. 21 - 24 Willis Heights #2, Jackson, County, Mississippi.



25

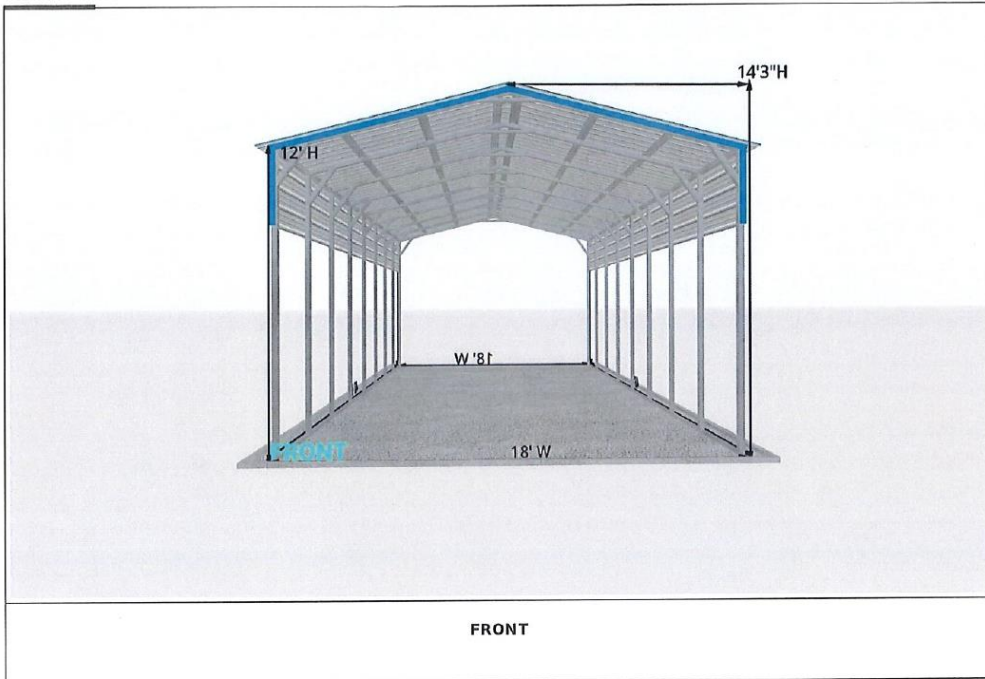
	Direct Metal Structures 541 W Pine Street, Suite 3 Mount Airy, Surry, North Carolina 27030 sales@directmetalstructures.com (888) 277-7950 directmetalstructures.com	Sales: Tyler Hawks 541 W Pine Street, Suite 3 Mount Airy, Surry, North Carolina 27030 tyler.h@directmetalstructures.com	Building Quote QTE-015022 Date 06/07/2024 Total \$5,355.35
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CUSTOMER DETAILS

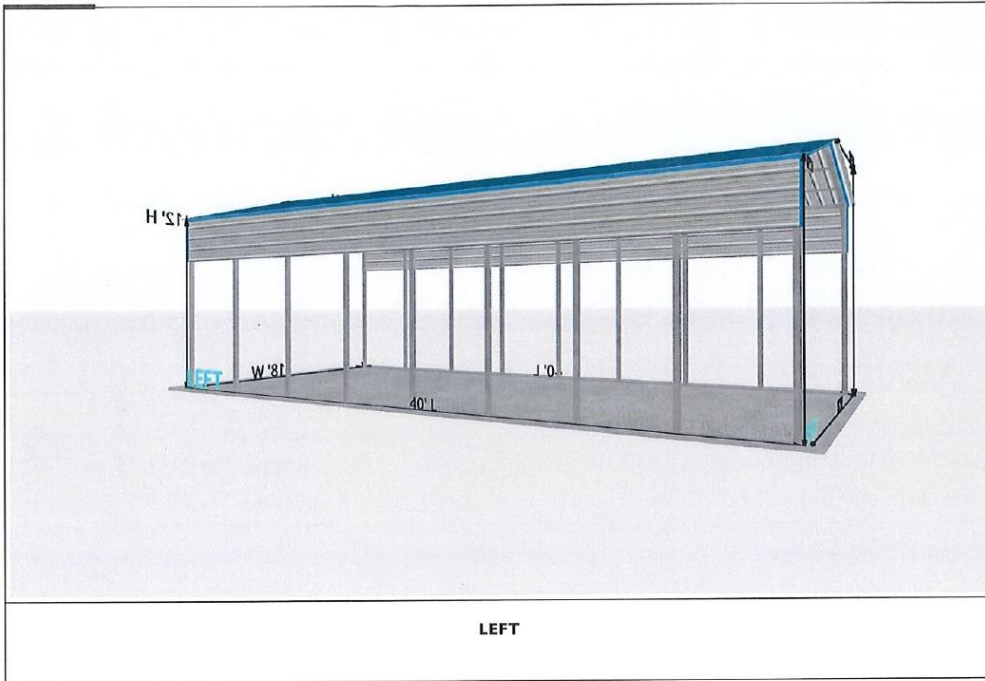
Kenny Simmons Billing Address 601 Gautier, Jackson, Mississippi 39553 Shipping Address 601 Gautier, Jackson, Mississippi 39553 kssimmons2008@hotmail.com (601) 577-0108	Standard Carports - 18 x 40 x 12 ☒ Roof Color: King Blue ☒ Trim Color: King Blue ☐ Sides/Ends Color: Galvalume ☐ Door Color: NA ☐ Wainscot Color: NA 					
Ready for Installation? ☐ Jobsite Level? ☐ Permit Required? ☒ Yes Inside City Limit? ☐ Electricity Available? ☐ Installation Surface? ☒ Concrete						
<table border="0"> <tr> <td>Building Dimension 18'W x40'L x12'H</td> <td>Roof Style Vertical</td> <td>Gauge 14 Gauge</td> <td>Wind/Snow Rating 150 MPH + 35 PSF Certified</td> <td>Distance on Center 5 Feet</td> </tr> </table>		Building Dimension 18'W x40'L x12'H	Roof Style Vertical	Gauge 14 Gauge	Wind/Snow Rating 150 MPH + 35 PSF Certified	Distance on Center 5 Feet
Building Dimension 18'W x40'L x12'H	Roof Style Vertical	Gauge 14 Gauge	Wind/Snow Rating 150 MPH + 35 PSF Certified	Distance on Center 5 Feet		

18X40' (Roof 41') Vertical Roof	1																		
12' Height	1																		
Gauge : 14	1																		
150 MPH + 35 PSF Certified	1																		
3/12' Roof Pitch	1																		
Left 1 Panel Horizontal	1																		
Right 1 Panel Horizontal	1																		
Permit Required : Yes																			
NOTES	<table> <tr><td>Building Amount:</td><td>\$5,005.00</td></tr> <tr><td>Manufacturer Discount:</td><td>\$0.00</td></tr> <tr><td>Sub Total:</td><td>\$5,005.00</td></tr> <tr><td>State Tax (7%)</td><td>\$350.35</td></tr> <tr><td>Additional Charges</td><td>\$0.00</td></tr> <tr><td>Grand Total</td><td>\$5,355.35</td></tr> <tr><td colspan="2">Pay Now</td></tr> <tr><td>Downpayment</td><td>\$850.85</td></tr> <tr><td>Balance Due</td><td>\$4,504.50</td></tr> </table>	Building Amount:	\$5,005.00	Manufacturer Discount:	\$0.00	Sub Total:	\$5,005.00	State Tax (7%)	\$350.35	Additional Charges	\$0.00	Grand Total	\$5,355.35	Pay Now		Downpayment	\$850.85	Balance Due	\$4,504.50
Building Amount:	\$5,005.00																		
Manufacturer Discount:	\$0.00																		
Sub Total:	\$5,005.00																		
State Tax (7%)	\$350.35																		
Additional Charges	\$0.00																		
Grand Total	\$5,355.35																		
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Downpayment	\$850.85																		
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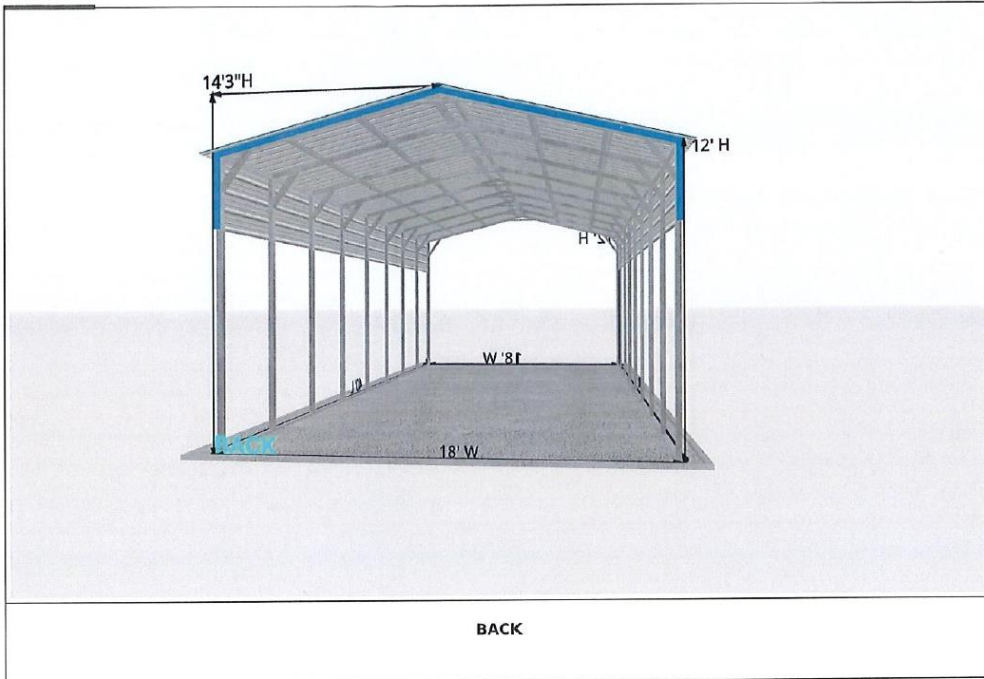
BUILDING VIEW



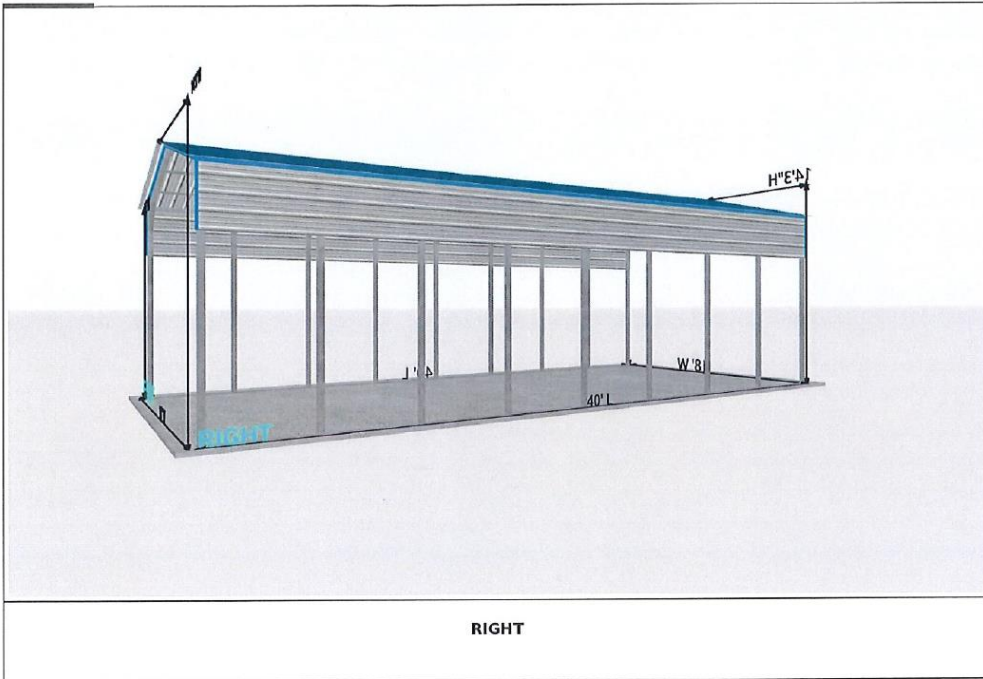
BUILDING VIEW



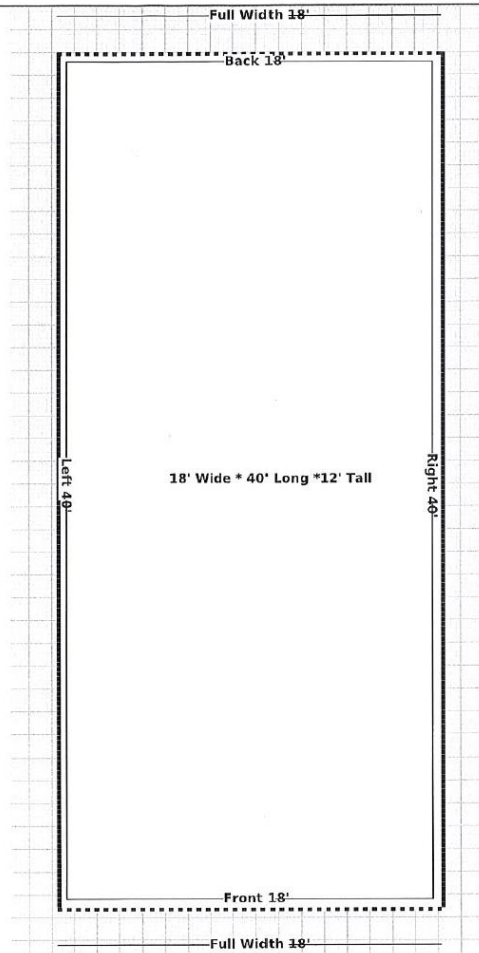
BUILDING VIEW



BUILDING VIEW

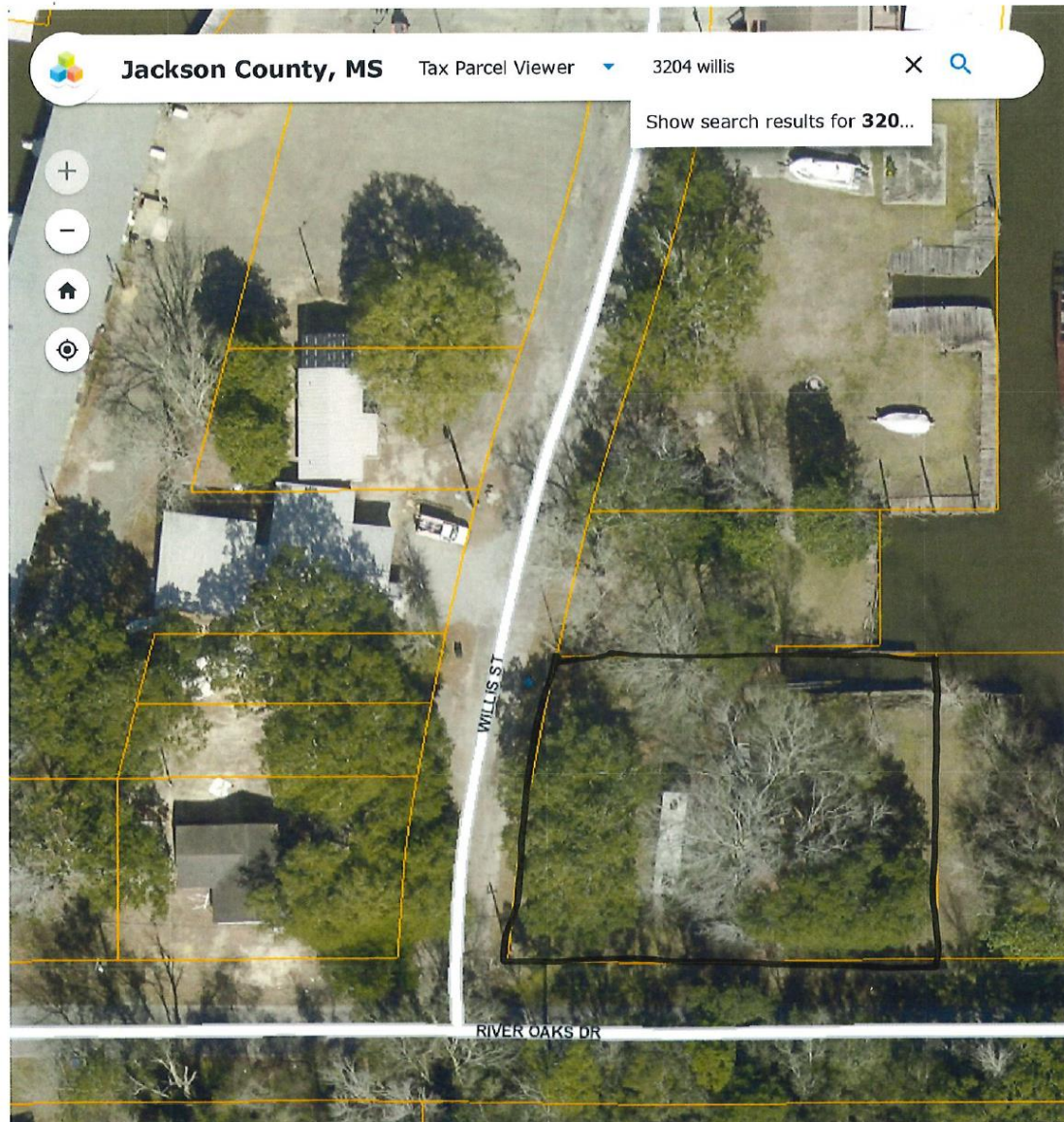


2D DRAWING-1



LEGENDS

- | | | | | | | |
|-------------|----------------------|--------------------------|-----------------------|---------|------------------|-----------|
| Garage Door | Garage Door Frameout | Walk In Door | Walk In Door Frameout | Windows | Windows Frameout | Open Wall |
| Close Wall | Distance | Storage Length (Utility) | Cupola | | | |



1,052,943.704 323,066.268 Feet
60ft

87420025.000 SIMMONS KENNETH S &

PIDN: 87420025.000

GISP: 769.32-04-0087.00M

Owner Information

Percent of Ownership: 100

Name: SIMMONS KENNETH S &

Name 2: KENLI JAMESON

Mailing Address: 304 COUNTY RD 17
STRINGER MS
39481

Site Address: WILLIS DR GAUTIER

Land Information

Section: 32 Acreage: 0

Township: 7

Range: 6

Street Name WILLIS
DR

Value and Tax Information

Total Assessed Value: 10058

Total Appraised Value: 67050

Improvement Value: 2170

Land Value: 64880

Tax Amount: 1446

SQ FT: 0

Year Built: 0

Legal Description

Description: LOTS 25 26 & 27 OF WILLIS HGTS S
/D #2 DB 1854-729 (87M MAP769.32
-04)

Deed Book / Page: 1854 / 729

[illegible]

Exhibit A Location Map

■

Prepared by:
City of Gautier
Planning Department

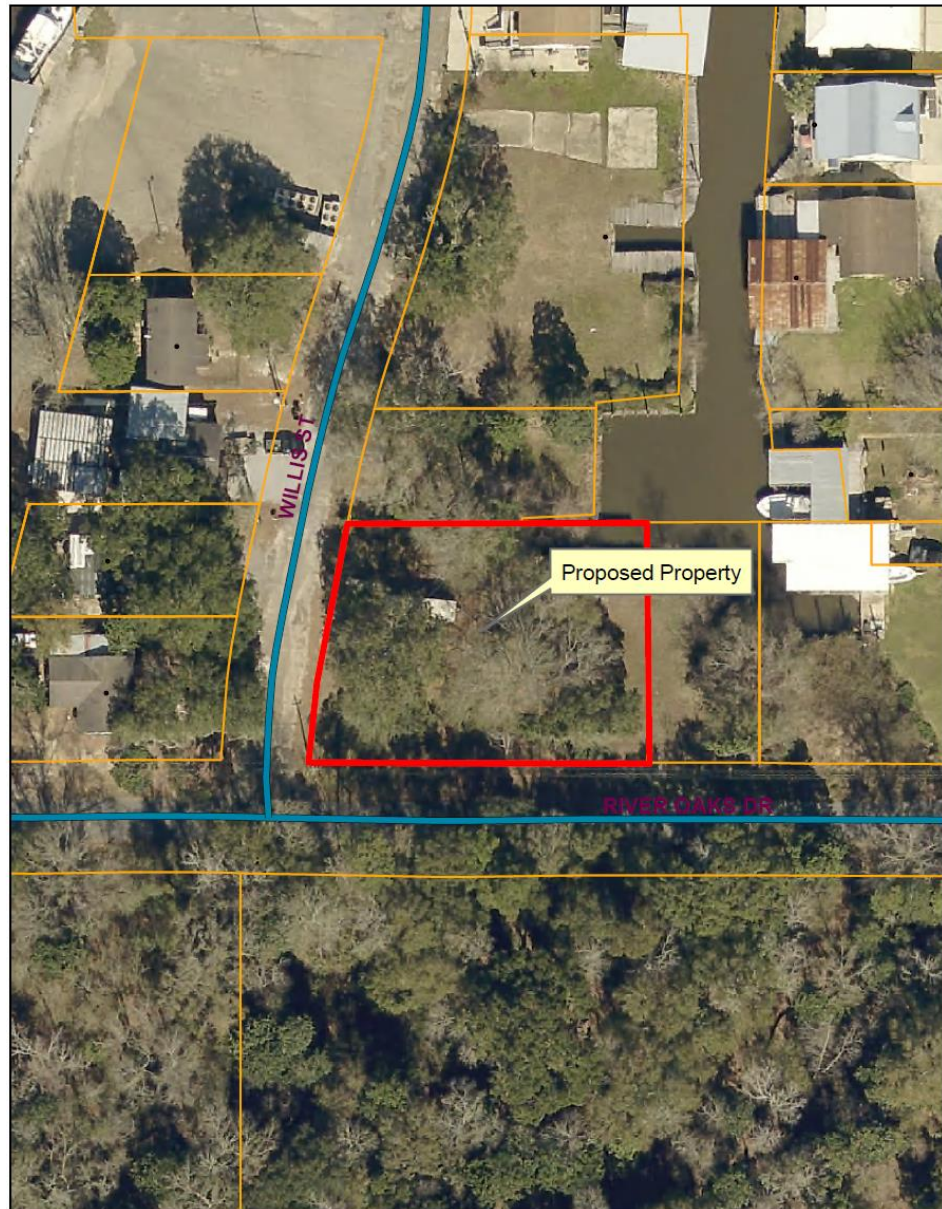


Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

	AG
	C-1
	C-2
	C-3
	I-2
	MURC-1
	MURC-2
	MURC-MW
	PL
	PUD
	R-1
	R-2
	R-3
	RE
	TC



Exhibit C Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

- commercial-retail
- conservation
- civic
- industrial
- marina/fish camps
- high density residential
- mobile home
- mobile home park
- medium density residential
- office
- recreation
- very low to low density residential
- utility
- vacant

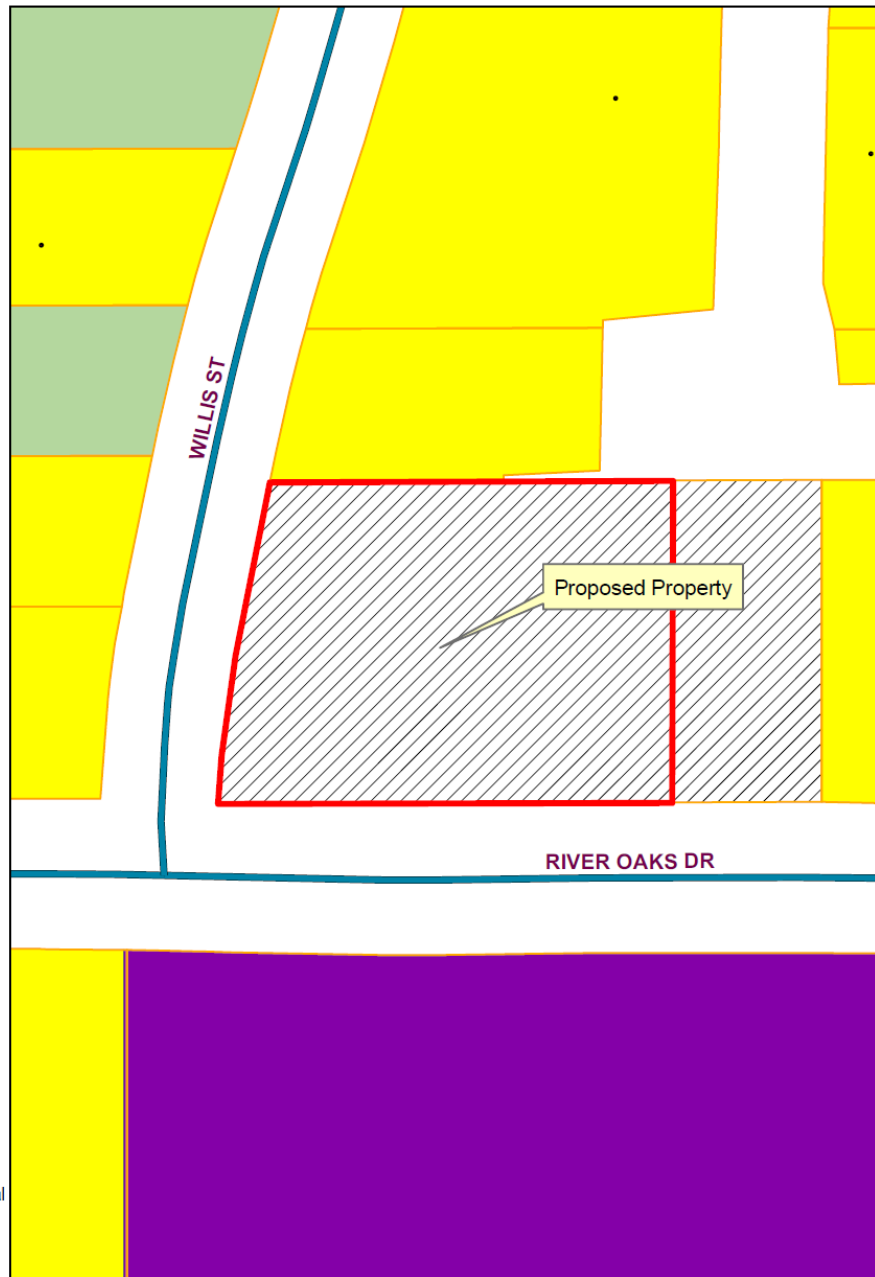


Exhibit D Future Land-Use

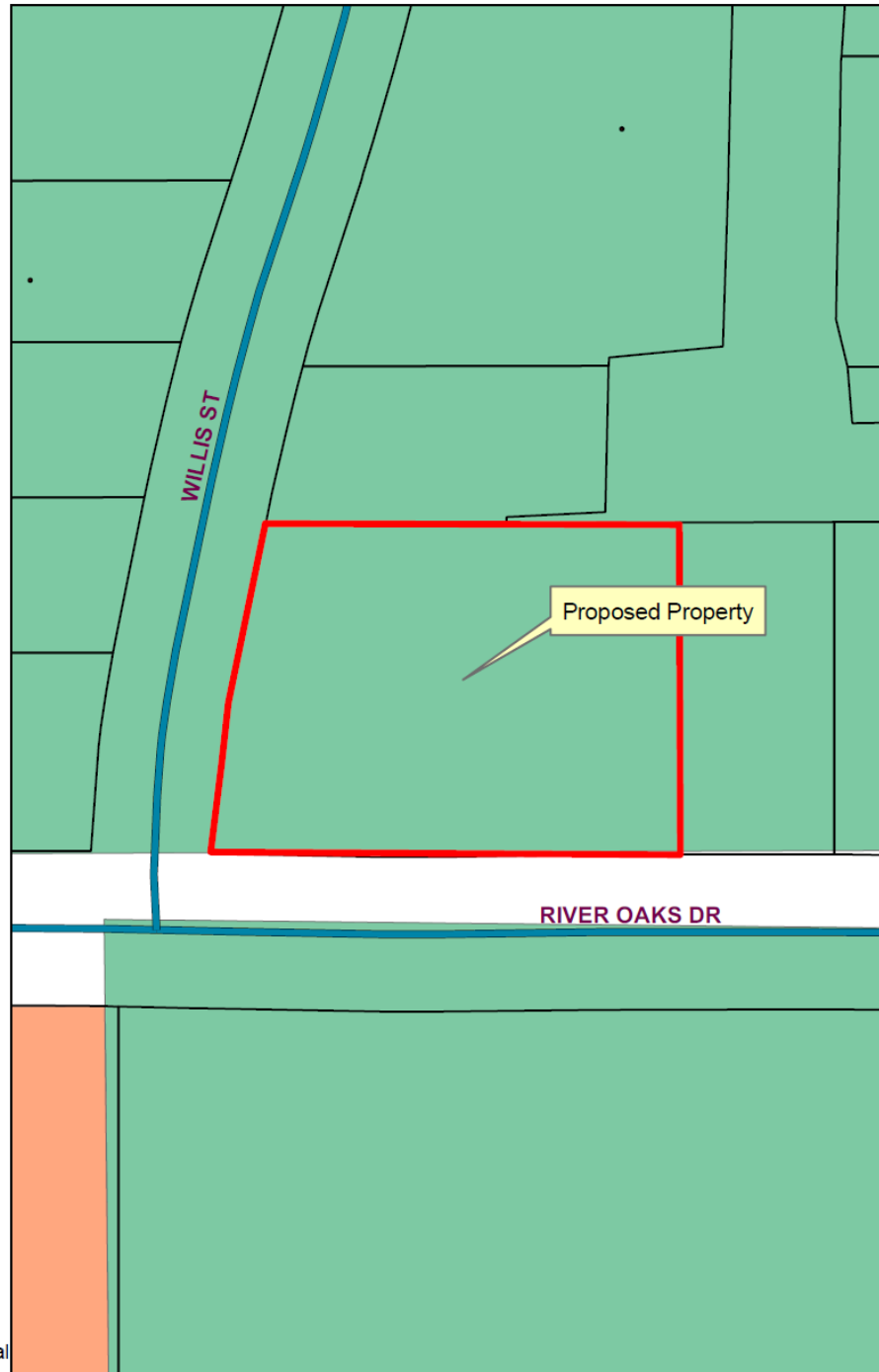
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

-  Civic
-  high impact commercial
-  Conservation
-  High Density Residential
-  Industrial
-  Low Density Residential
-  Medium Density Residential
-  Mobile Home Residential
-  low impact Commercial
-  Recreational
-  recreational commercial
-  Regional Scale Commercial
-  mixed use residential
-  Town Center
-  Very Low Density Residential



Gautier Planning Commission

Regular Meeting Agenda

August 1, 2024

GPC #24-30-CU

2BLEEV Ministries, Inc.

7417 Martin Bluff Road

VII. NEW BUSINESS

4. Consider a request for a Conditional Use-Major that would allow a church in a C-2 Community Commercial Zoning District. 7417 Martin Bluff Road (GPC #24-30-CU)

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: July 23, 2024

Subject: Consider a request for a Conditional Use-Major that would allow a church in a C-2 Community Commercial Zoning District. 7417 Martin Bluff Road. (GPC #24-30-CU)

REQUEST:

The Planning Department has received a request from 2BLEEV Ministries, Inc. for a Conditional Use-Major that would allow a church in a C-2 Community Commercial Zoning District at 7417 Martin Bluff Road, PID #85432014.000. (GPC #24-30-CU). The application fee of \$250 was paid on July 12, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-2 Community Commercial and R-1 Low Density Single-Family Residential. The structure, that was previously a church, is located within the portion of the lot zoned C-2.

1. Location: 7417 Martin Bluff Road, PID #85432014.000 (See Exhibit A)
2. General features of the proposed project:
Total Area of Lot: Approximately 4.65 Acres
Existing structure that was previously a church is located on property
3. Existing Zoning – C-2 Community Commercial (See Exhibit B)
4. Existing Land Use – Vacant Church Building (See Exhibit C)
5. Comprehensive Plan Future Land Use Designation – Civic (See Exhibit D)

DISCUSSION:

The following addresses the review criteria for a Major Conditional Use outlined in Section 4.17.5 of the UDO.

1. Is the proposed use listed in the list of possible Conditional Uses in the Zoning District?

Applicant Response: Yes.

Staff Finding: Yes. Church or Place of Worship is listed as a Conditional Use-Major in a C-2 Community Commercial District.

2. Describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk, and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering, or other plans.

Applicant Response: Building was previously a church. We will also use it as a church.

Staff Finding: The church was existing before the annexation. Until recently, it was a legal nonconforming use.

3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.

Applicant Response: Our church will be a positive light within the city and community.

Staff Finding: There is no evidence to indicate the proposed use will negatively affect the property values or cause a detriment to the surrounding properties.

4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.

Applicant Response: No, not in any way.

Staff Finding: There is no evidence that the proposed use will have any adverse effect on vehicular or pedestrian traffic.

5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?

Applicant Response: Yes, the current location has ample parking.

Staff Finding: The proposed use can be accommodated by existing public services and facilities.

6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.

Applicant Response: Yes, the property is currently zoned for a church.

Staff Finding: The Comprehensive Plan calls out "Civic" for future land use of this property.

7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain.

Applicant Response: No, the church services will not pose a hazard or noise violation.

Staff Finding: There is no evidence that the proposed use poses a hazardous, detrimental, or disturbing effect to present surrounding uses.

8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.

Applicant Response: Yes, we will comply with all guidelines for religious services.

Staff Finding: The proposed use will conform to all current district regulations.

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines conditional uses as specific uses which are enumerated in each zoning district and which because of their nature are not allowed by right but may be allowed after the required review process. The City may specify certain conditions as necessary to make the use compatible with other uses in the same district. Conditional uses are issued for uses of land and uses designated "Conditional Uses-Major" are transferable from one (1) owner of land to another.

The UDO further defines Conditional Uses-Major as uses that are not allowed by right but require a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to a new owner, the new owner must submit a letter to the Planning Director agreeing to the current terms and condition.

2. Conditional Uses-Major requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets the "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the Conditional Use-Major
2. Recommend that City Council approve the Conditional Use-Major with changes;
or
3. Recommend that City Council deny the Conditional Use-Major.

ATTACHMENTS:

1. Applicant's Exhibit 1 – Application
2. City's Exhibit A – Location Map
3. City's Exhibit B – Existing Zoning Map
4. City's Exhibit C – Existing Land Use Map
5. City's Exhibit D – Future Land Use Map

GAUTIER, MISSISSIPPI
PLANNING DEPARTMENT
CONDITIONAL USE APPLICATION

Public Hearing Number

24-30-CU

TO BE HEARD BY GAUTIER PLANNING COMMISSION AND CITY COUNCIL:

Conditional Use - Major _____ FEE: \$251.00

TO BE HEARD BY PLANNING DIRECTOR:

Conditional Use - Minor _____ FEE: \$251.00

*Includes \$1.00 filing fee per MS Code §25-60-5

Name of Applicant: DR. YVONNE CAPEHART
Name of Business: 2BLEEV MINISTRIES, INC. / HEALERNATION Phone: 850-602-8051
Property Address: 7417 MARTIN BLUFF RD Mailing Address (if Different): _____
E-Mail Address: HealERnation@aol.com

Proposed Use Requiring Conditional Use: Church in C-2 zone (Refer to Article V, UDO)

Proposed Location is: ☐ New Build ☒ Existing (with no modifications) ☐ Existing (with proposed modifications)

ATTACHMENTS REQUIRED AS APPLICABLE:

- ✓ 1. Answers to the Criteria for Approval (see attached).
✓ 2. Project Narrative (see attached).
NA 3. Diagram of intended use (see attached).
NA 4. Copy of protective covenants or deed restrictions, if any.
NA 5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
✓ 6. Any other information requested by the Planning Director.
✓ 7. Owner's Consent form if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant(s): [Signature] Date of Application: JULY 25, 2024

FOR OFFICE USE ONLY

Date Received 6-25-24 Verify as Complete BL
(7-26-24)
Fee Amount Received 251.00 Initials of Employee Receiving Application Belus

OWNERS CONSENT AND DESIGNATION OF AGENT - CONDITIONAL USE

I, YVONNE CAPEHART, the fee simple owner(s) of the following described property:

Address: 7417 MARTIN BLUFF ROAD, GAUTIER MS

Parcel ID No.: 85432014.000

hereby petition to the City of Gautier to *Grant a Conditional Use Major or Minor of* 2BLEEV MINISTRIES, INC/HEALERNATION (state proposed use from Article V of the Unified Development Ordinance) at the above reference property and affirm that YVONNE CAPEHART (name of agent) is hereby designated to act as agent on my behalf to accomplish the above.

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand this application; attachments and fees become part of the official records of the City of Gautier, MS, and are not returnable.

[Signature]
(Owner's Signature)

N/A
(Owner's Signature)

Notary Information:

The foregoing instrument was acknowledged before me this 26th day of JULY, 2026 by YVONNE CAPEHART, who is personally known to me or has produced FL DL as identification and who did take an oath.

KIM L. SISTRUNK
(Printed Name of Notary Public)

[Signature]
(Signature of Notary Public)

Commission # HH295377. My commission expires 31 July 2026.

(Notary's Seal)



I hereby certify that this is a true and correct copy of the original document.

Certified By N. Canagar
Month July Day 23rd Year 2004

Prepared by:
David B. Pilger
Attorney at Law
1406 Bienville Blvd.
Ocean Springs, MS 39564
(228) 215-0011

Grantor:
JTS Capital Realty 3, LLC
a Texas Limited Liability Company
P.O. Box 21505
Waco, TX 76702
(254) 262-8213

Return To:
Pilger Title Co.
1406 Bienville Blvd.
Ocean Springs, MS 39564
(228) 215-0011

Grantee:
2Bleev Ministries, Inc.
a Florida Not for Profit Corporation
7417 Martin Bluff Road
Gautier, MS 39553
(850) 549-8141

File No. G249842N

INDEXING INSTRUCTIONS: Part of Lots 12 & 13, and all of Lots 14, 15, 16, & 17, Hastings S/D, Jackson County MS

STATE OF MISSISSIPPI
COUNTY OF JACKSON

WARRANTY DEED

FOR AND IN CONSIDERATION OF the price and sum of TEN AND NO/100 DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, **JTS Capital Realty 3, LLC, a Texas Limited Liability Company** does hereby sell, convey and warrant unto **2Bleev Ministries, Inc., a Florida Not for Profit Corporation**, all of that certain tract, piece or parcel of land situated in Jackson County, Mississippi, together with all improvements, buildings, fixtures, and appurtenances thereunto belonging, and being more particularly described as follows, to-wit:

Legal Description attached hereto as Exhibit "A"

This being the same property as that conveyed to JTS Capital Realty 3, LLC, a Texas Limited Liability Company by instrument recorded in Deed Book 2147, Page 524 Land Deed Records of Jackson County, Mississippi.

If this property is bounded by water, this conveyance includes any natural accretion, and is subject to any erosion due to the action of the elements. Such riparian and littoral rights as exist are conveyed herewith but without warranty as to their nature or extent. If any portion of the property is below the mean high tide watermark, or is coastal wetlands as defined in the Mississippi Coastal Wetlands Protection Act it is conveyed by quitclaim only.

Grantor(s) quitclaim any and all oil, gas, and other minerals owned, if any, to Grantee(s). No mineral search was requested or performed by preparer.

This conveyance is subject to any and all covenants, rights of way, easements, restrictions and reservations of record in the office of the Chancery Clerk in Jackson County, Mississippi.

It is agreed and understood that the taxes for the current year have been pro-rated as of this date on an estimated basis, and when said taxes are actually determined, if the proration as of this date is incorrect, the Parties hereto agree to make all necessary adjustments on the basis of an actual proration.

WITNESS MY SIGNATURE, on this the 22nd day of July, 2024.



JTS Capital Realty 3, LLC
A Texas Limited Liability Company

Emily Nulph
By: Emily Nulph, Vice President

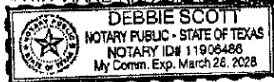
CORPORATE ACKNOWLEDGMENT

STATE OF Texas
COUNTY OF Mclennan

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named Emily Nulph, Vice President of JTS Capital 3, LLC a Texas Limited Liability Company, who acknowledged before me that she signed, executed and delivered the above and foregoing instrument on the day and year thereof, for the use and purposes therein mentioned, for and on behalf of the aforesaid company, after first having been duly authorized so to do.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, on this the 23 day of July 2024.

(AFFIX SEAL)



Debbie Scott
NOTARY PUBLIC

My commission expires: 3.28.2028

DEED ACCEPTED BY:

Yvonne L. Capehart
2Bleev Ministries, Inc.
By: Yvonne L. Capehart, Title Director

CONDITIONAL USE CRITERIA FOR APPROVAL - Complete either the Major Conditional Use section or Minor Conditional Use Section below. If more room is needed, answers can be provided on a separate sheet of paper.

MAJOR CONDITIONAL USE CRITERIA FOR APPROVAL

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District?
YES
2. Please describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk, and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering, or other plans. **BUILDING WAS PREVIOUSLY A CHURCH, WE WILL ALSO USE IT AS A CHURCH**
3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain. **OUR CHURCH WILL BE A POSITIVE LIGHT WITHIN THE CITY AND COMMUNITY**
4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.
NO, NOT IN ANY WAY
5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?
YES, THE CURRENT LOCATION HAS AMPLE PARKING
6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.
YES, THE PROPERTY IS CURRENTLY ZONE FOR A CHURCH
7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain.
NO, THE CHURCH SERVICES WILL NOT POSE A HARARD OR NOISE VIOLATION
8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain. **YES, WE WILL COMPLY WITH ALL GUIDELINES FOR RELIGIOUS SERVICES**

MINOR CONDITIONAL USE CRITERIA FOR APPROVAL

1. Is the proposed use substantially compatible with other uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics, and environmental impacts? Explain.
2. Will the proposed use be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area? Explain.
3. Is the proposed use consistent with the Comprehensive Plan? Explain how.
4. Is the proposed use in conformance with specific site location, development, and operation standards as required by this Ordinance? Explain.

CONDITIONAL USE NARRATIVE – Describe the proposed project in detail. Include all types of business activities that will be conducted on-site, any out-door storage or seating proposed, anticipated traffic, access for pick-up/delivery vehicles, proposed improvements, etc. Use the space below or provide a separate type written sheet of paper and attach. Staff will provide guidance as needed on additional information needed in the narrative.

NARRATIVE

**2BLEEV MINISTERIE, INC/ HEALERNATION WILL USE THE PROPERTY
AT 7417 MARTIN BLUFF ROAD AS A CHURCH FOR RELIGIOUS
SERVICES**

85432014.000 MARTIN BLUFF BAPTIST CHURCH

PIDN: 85432014.000

GISP: 771.12-04-0018.00M

Owner Information

Percent of Ownership: 100

Name: MARTIN BLUFF BAPTIST CHURCH

Name 2:

Mailing Address:

0

Site Address: 7417 MARTIN BLUFF RD GAUTIER

Land Information

Section: 12 Acreage: 0

Township: 7

Range: 7

Street Name MARTIN BLUFF
RD

Value and Tax Information

Total Assessed Value: 0

Total Appraised Value: 1047101

Improvement Value: 1031681

Land Value: 15420

Tax Amount: 0

SQ FT: 16722

Year Built: 2008

Legal Description

Description: PT LOTS 12 & 13 & ALL LOTS 14, 1
5, 16 & PT 17 HASTINGS S/D LESS
100' X 200' IN NEC DB 453-61&64
DB 1397-459 DB 2064-674 (18M Ma
p771.12-04)

Deed Book / Page: 1397 / 459

[illegible]

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

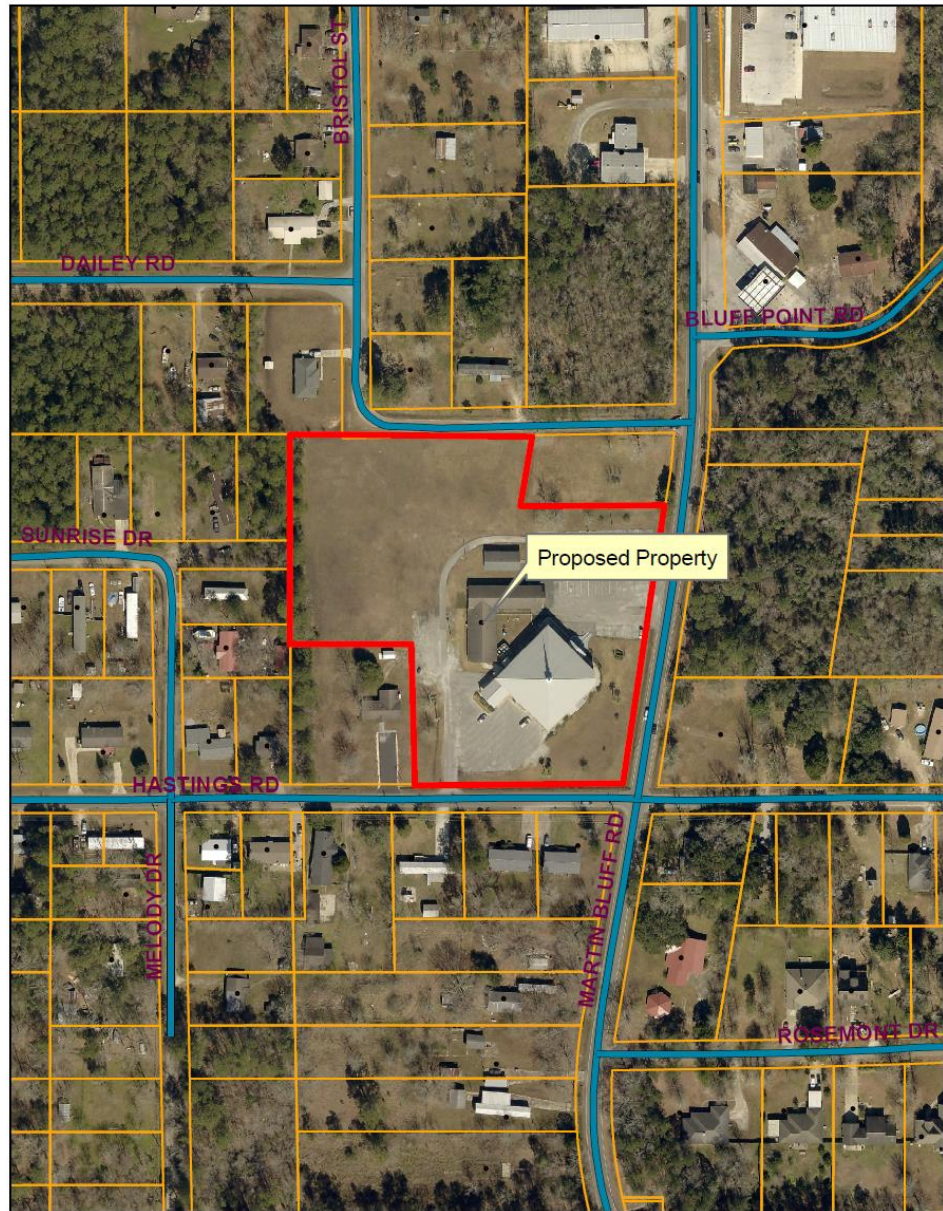


Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

AG	AG
C-1	C-1
C-2	C-2
C-3	C-3
I-2	I-2
MURC-1	MURC-1
MURC-2	MURC-2
MURC-MW	MURC-MW
PL	PL
PUD	PUD
R-1	R-1
R-2	R-2
R-3	R-3
RE	RE
TC	TC

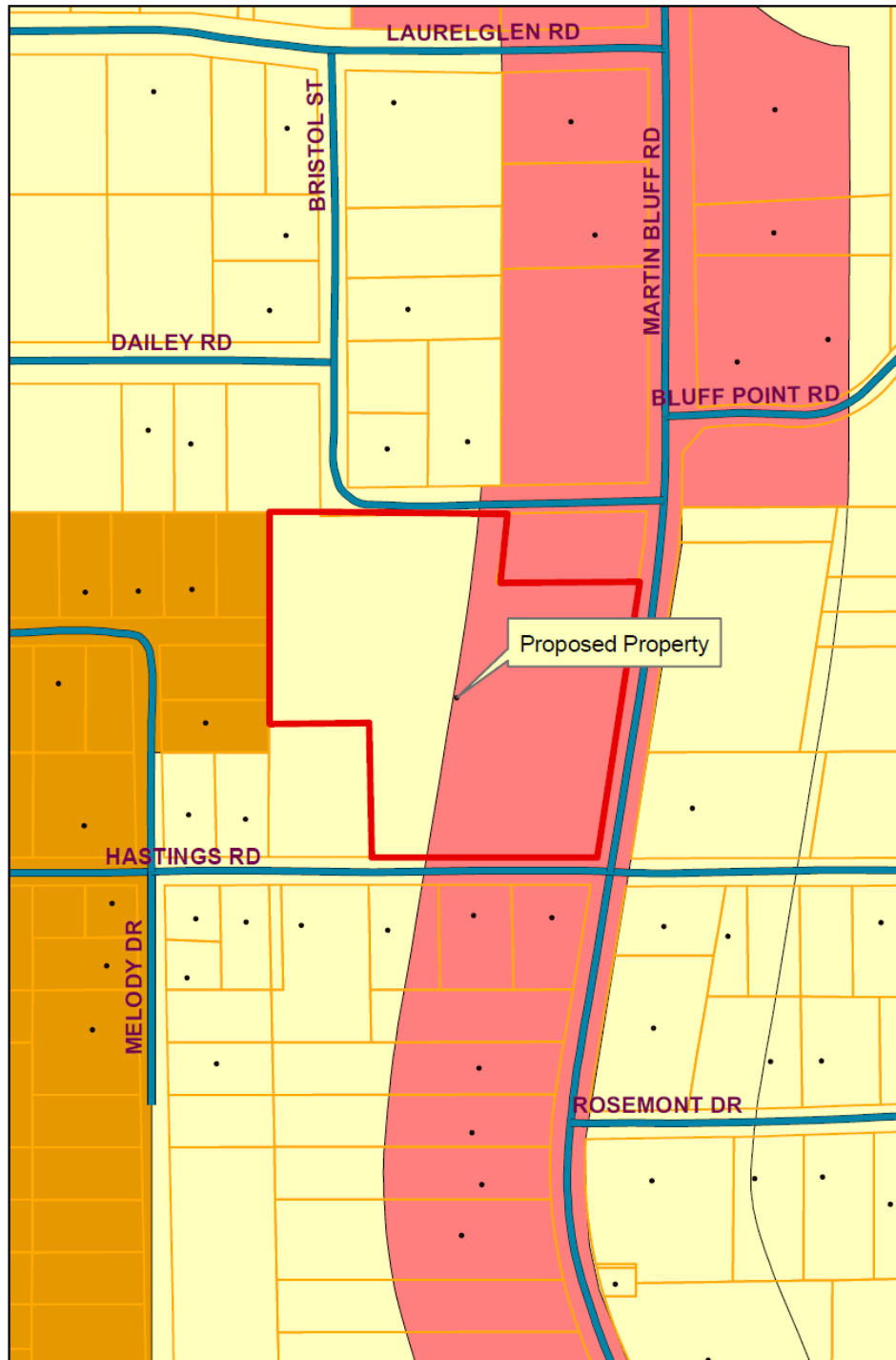


Exhibit C

Existing Land-Use

Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

- commercial-retail
- conservation
- civic
- industrial
- marina/fish camps
- high density residential
- mobile home
- mobile home park
- medium density residential
- office
- recreation
- very low to low density residential
- utility
- vacant

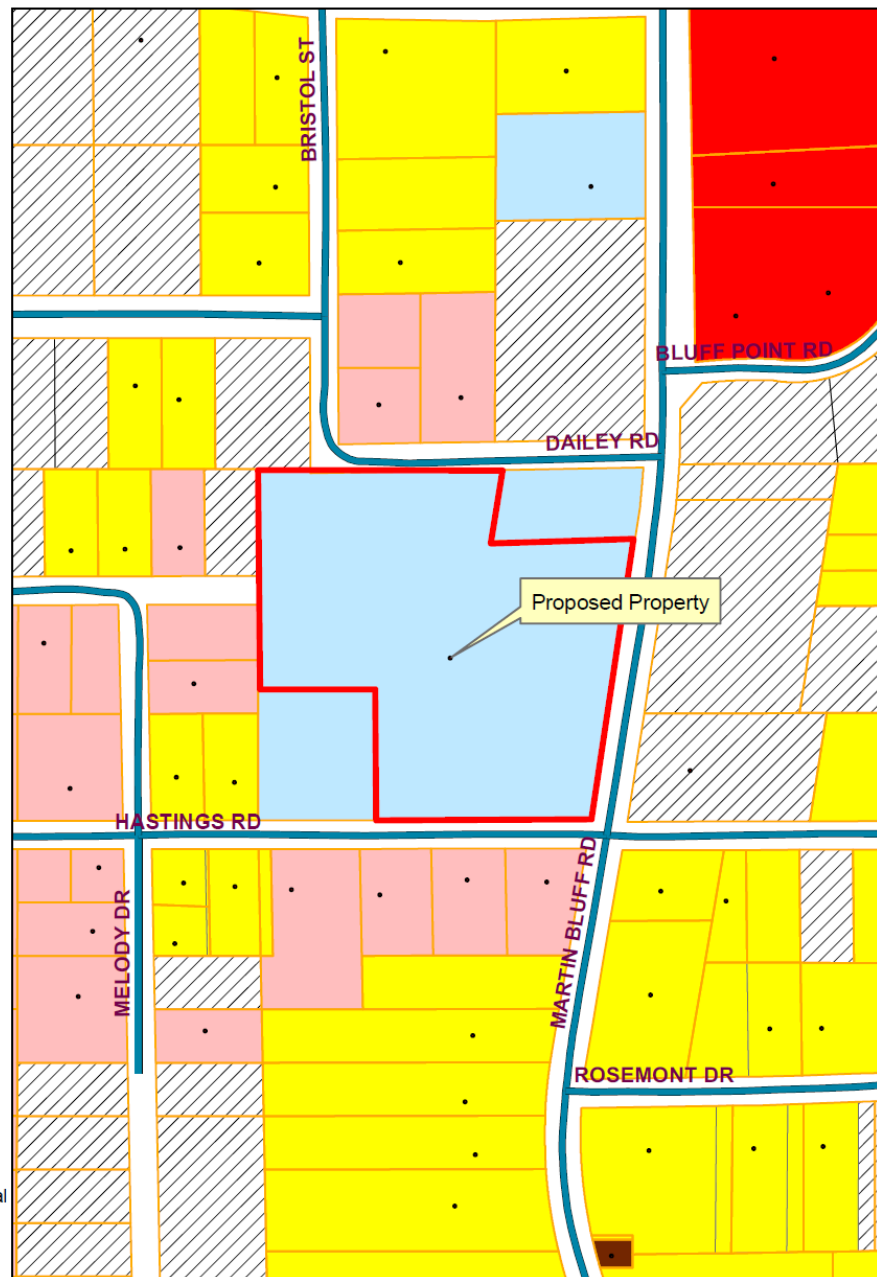


Exhibit D Future Land-Use

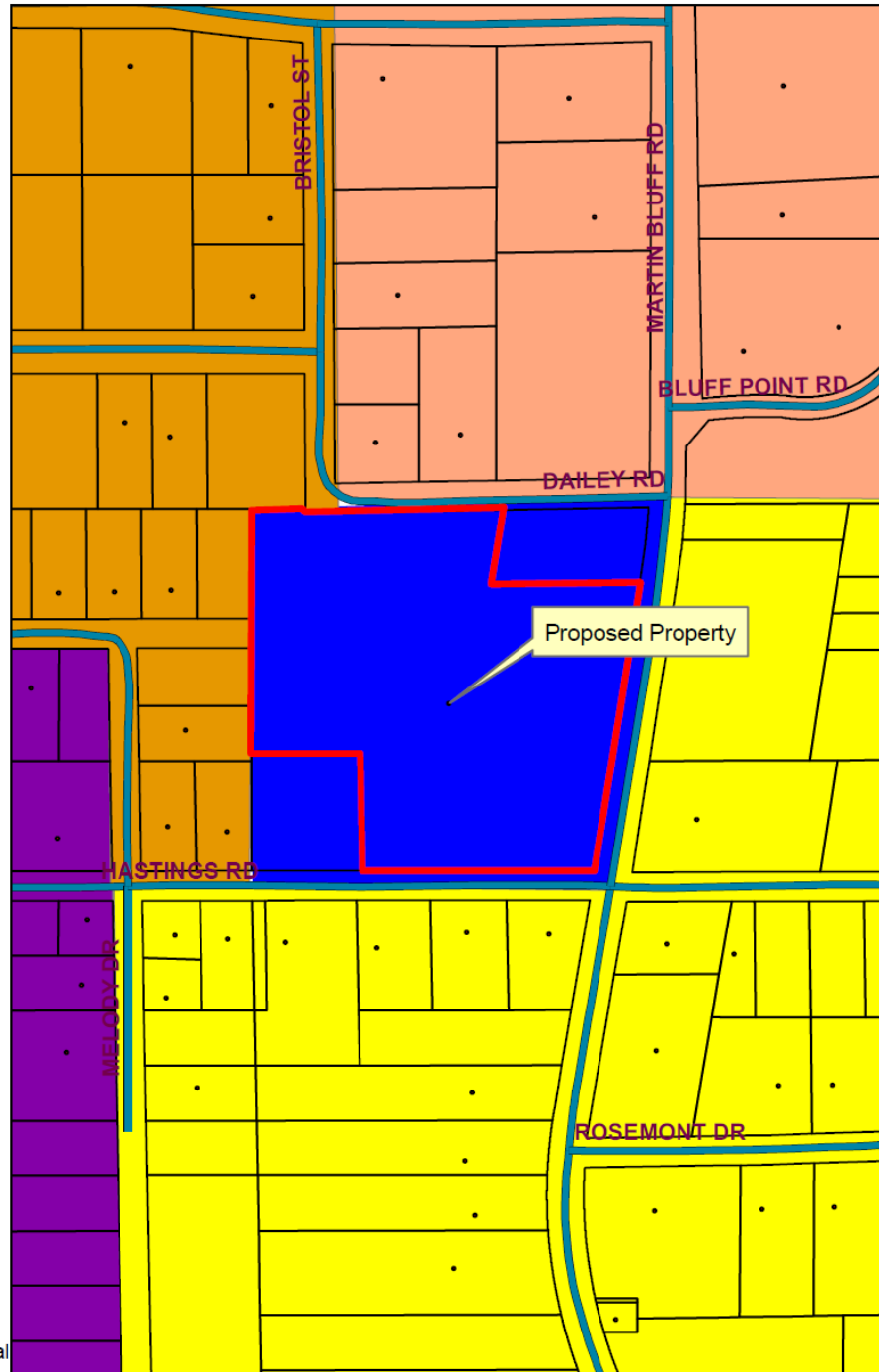
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

-
- Civic
- high impact commercial
- Conservation
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Mobile Home Residential
- low impact Commercial
- Recreational
- recreational commercial
- Regional Scale Commercial
- mixed use residential
- Town Center
- Very Low Density Residential



Gautier Planning Commission

Regular Meeting Agenda

September 5, 2024

GPC #24-32-CU

Omega Holdings, LLC

Highway 90, PID #81831440.000

VII. NEW BUSINESS

1. Consider a request for a Conditional Use-Major that would allow Self Service Mini-Warehouses in a C-3 Highway Commercial Zoning District. Highway 90, PID #81831440.000 (GPC #24-32-CU)

GAUTIER PUBLIC HEARING PROCESS (PLANNING COMMISSION)

Planning Commission Chairman to follow procedure below. All questions/comments to be directed to the Council and not to applicant, staff, or other attendees of the meeting.

1. Chairman announces the case.
2. Chairman makes statement, "This is a Public Hearing and all statements to be made need to be true and accurate for the record."
3. Staff gives brief overview of case.
4. Applicant presents their case.
5. Anyone to speak in support of the Request? Please state your name and address for the record.
6. Anyone to speak in opposition of the Request? Please state your name and address for the record.
7. Any final comments from the applicant?
8. Questions from Commission?
9. Chairman closes public hearing – "This closes the Public Hearing portion of this case" bang of gavel
10. Motion/Deliberation/Vote

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: August 27, 2024

Subject: Consider a request for a Conditional Use-Major that would allow Self Service Mini-Warehouses in a C-3 Highway Commercial Zoning District. Highway 90, PID #81831440.000. (GPC #24-32-CU)

REQUEST:

The Planning Department has received a request from Omega Holdings LLC for a Conditional Use-Major that would allow Self Service Mini-Warehouses in a C-3 Highway Commercial Zoning District on Highway 90, PID #81831440.000. (GPC #24-32-CU). The application fee of \$250 was paid on July 30, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-3 Highway Commercial.

1. Location: Highway 90, PID #81831440.000 (See Exhibit A)
2. General features of the proposed project:
Total Area of Lot: Approximately 3.69 Acres
Existing structure on property was permitted as a carwash many years ago, but construction was never completed
3. Existing Zoning – C-3 Highway Commercial (See Exhibit B)
4. Existing Land Use – Vacant Building (See Exhibit C)
5. Comprehensive Plan Future Land Use Designation – Low Impact Commercial (See Exhibit D)

DISCUSSION:

The following addresses the review criteria for a Major Conditional Use outlined in Section 4.17.5 of the UDO.

1. Is the proposed use listed in the list of possible Conditional Uses in the Zoning District?

Applicant Response: See attachment.

Staff Finding: Yes. Mini-Warehouses, Self Service, are listed as a Conditional Use-Major in a C-3 Highway Commercial District.

2. Describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk, and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering, or other plans.

Applicant Response: See attachment.

Staff Finding: Not substantiated

3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.

Applicant Response: See attachment.

Staff Finding: There is no evidence to indicate the proposed use will negatively affect the property values or cause a detriment to the surrounding properties.

4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.

Applicant Response: See attachment.

Staff Finding: There is no evidence that the proposed use will have any adverse effect on vehicular or pedestrian traffic.

5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?

Applicant Response: See attachment.

Staff Finding: The proposed use can be accommodated by existing public services and facilities.

6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.

Applicant Response: See attachment.

Staff Finding: The Comprehensive Plan calls out "Low Impact Commercial" for future land use of this property.

7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain.

Applicant Response: See attachment.

Staff Finding: There is no evidence that the proposed use poses a hazardous, detrimental, or disturbing effect to present surrounding uses.

8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.

Applicant Response: See attachment.

Staff Finding: The proposed use will conform to all current district regulations.

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines conditional uses as specific uses which are enumerated in each zoning district and which because of their nature are not allowed by right but may be allowed after the required review process. The City may specify certain conditions as necessary to make the use compatible with other uses in the same district. Conditional uses are issued for uses of land and uses designated "Conditional Uses-Major" are transferable from one (1) owner of land to another.

The UDO further defines Conditional Uses-Major as uses that are not allowed by right but require a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to a new owner, the new owner must submit a letter to the Planning Director agreeing to the current terms and condition.

2. Conditional Uses-Major requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets the "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the Conditional Use-Major
2. Recommend that City Council approve the Conditional Use-Major with changes;
or
3. Recommend that City Council deny the Conditional Use-Major.

ATTACHMENTS:

1. Applicant's Exhibit 1 – Application
2. City's Exhibit A – Location Map
3. City's Exhibit B – Existing Zoning Map
4. City's Exhibit C – Existing Land Use Map
5. City's Exhibit D – Future Land Use Map

24-32-Cu

*Parcel ID: 81831440.000 – Subject property is unaddressed

OWNERS CONSENT AND DESIGNATION OF AGENT - CONDITIONAL USE

I, Jesus Saucedo for Omega Holdings, LLC, the fee simple owner(s) of the

following described property:

Address: 1108 Highway 90, Gautier MS 39553
Corner of Highway 90 and Shaw Drive (east side)

Parcel ID No.: 81831440.000

hereby petition to the City of Gautier to *Grant a Conditional Use Major or Minor of*
Self-Storage / Mini-warehouses (state proposed use from

Article V of the Unified Development Ordinance) at the above reference property and
Donovan Scruggs of Scruggs Town Planning (name of agent) is

affirm that _____ hereby designated to act as agent on my behalf to accomplish the above.

I certify that I have examined the application and that all statements and diagrams
submitted are true and accurate to the best of my knowledge. Further, I understand this
application, attachments and fees become part of the official records of the City of
Gautier, MS, and are not returnable.

[Signature]
(Owner's Signature)

(Owner's Signature)

Notary Information:

The foregoing instrument was acknowledged before me this 30th day of
July, 2024 by Jesus Saucedo,
who is personally known to me or has produced _____
as identification and who did take an oath.

Kama Geiger
(Printed Name of Notary Public)

Kama Geiger
(Signature of Notary Public)

Commission # 113584 My commission expires August 27, 2027

(Notary's Seal)



Land Use Narrative
For A Conditional Use (Self-Storage/Mini-Warehouses) for
Property Located along North Side of Highway 90 and East Shaw Drive
PIDN: 81831440.000

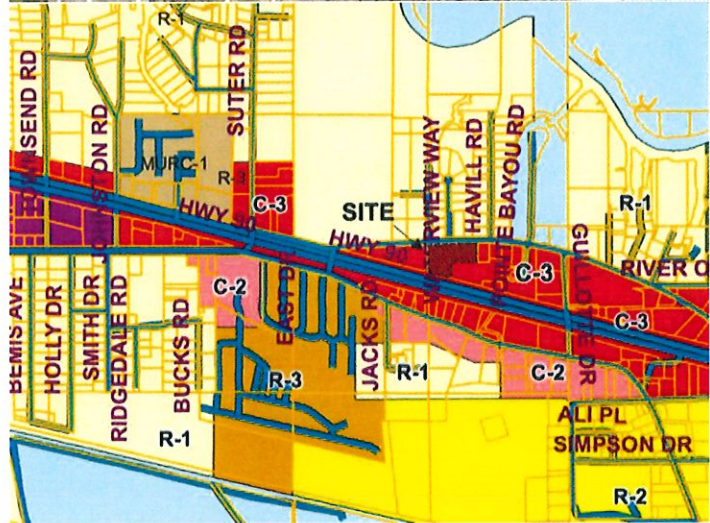
Prepared by: S. Donovan Scruggs, AICP
Date: July 31, 2024

Omega Holdings LLC recently purchased the subject property along the north side of Highway 90 and the east side of Shaw Drive. The site is vacant, and at the time of purchase, the structure on the site was either incomplete or in disrepair. This condition caused some damage to the structure, and the new owner made repairs to the structure to include the roof, removal of rotted wood, and openings. At present, the appearance of the structure is considerably improved since the new owner took possession. The current owner purchased two parcels and split or subdivided the larger westernmost parcel. The division of the properties resulted in a total of four parcels, and the subject parcel is approximately 2.5 acres. The three other parcels remain under the same ownership. Between 2023 and 2024, a new structure (Phoenix Labor Group) was constructed south east of the subject site. The property owner operates his businesses from that site.



The structure on the subject site was constructed as car wash in approximately 2004, but the site has been vacant for a number of years. The applicant purchased the property in January 2022 and hopes to repurpose the building as a self-storage facility. This will include the construction of additional storage units on the property. The self-storage units are not expected to be climate control.

The property is south of De La Pointe Drive and north of Highway 90. The properties located between these two streets are exclusively designated as Highway Commercial District (C-3). This is the City of Gautier's most intense commercial district. The proposed use of self-storage requires a Conditional Use-Major that must be granted by the City Council after a hearing before the Planning Commission.



Site and Application Overview.

The Site is located within a Highway Commercial (C-3) District. The parcel is approximately 2.6 acres in area. The Gautier zoning ordinance describes this district C-3 District as follows:

The purpose of this district is to provide for areas where relatively high intensity commercial and retail uses, office buildings, medical facilities, automobile car lots and regional shopping areas may be located. C-3 Districts are to be located along major highways or major arterials. Due to the high intensity of some of the permitted uses and the variety of uses, most C-3 uses are not compatible with low- to medium-density residential uses, but may be adjacent to high-density residential uses if adequately buffered.

A review of the standards of the C-3 District demonstrates that mini-warehouses or self-storage facilities are permitted as a Conditional Use-Major. Conditional Uses and Conditional Uses-Major are defined by the zoning ordinance as follows:

	C-1	C-2	C-3	I	PL	TC
Group Home for the Handicapped (less than 12 guests)	C	C	C			c
Guest House (As Accessory Use)	c					c
Marina, Public	c				C	
Marine Sales and Service			P			C
Millwork, Cabinet or Woodworking Shop			P	P		C
Mini-Warehouse, Self Service			C	P		
Mini-Warehouse, Controlled Climate			P	P		
Mixed Use Buildings	P	P	P			P
Mixed Use Buildings with dwelling on 2 nd floor and above		C	P			P

CONDITIONAL USE: Specific uses which are enumerated in each zoning district and which because of their nature are not allowed by right but may be allowed after the required review process. The City may specify certain conditions as necessary to make the use compatible with other uses in the same district. Conditional uses are issued for uses of land and uses designated "Conditional Uses-Major" are transferable from one (1) owner of land to another. See subparagraphs below:

MAJOR CONDITIONAL USE: These uses are not allowed by right but require a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to a new owner, the new owner must submit a letter to the Planning Director agreeing to the current terms and conditions before a business license may be issued.

The site includes a vacant structure that was constructed in approximately 2004. Shortly after purchase in 2022, the new owner repaired the roof and other portions of the structure. The owner is hoping to repurpose the building and property. The western property originally included approximately 3.7 acres, and the property was subdivided to produce three lots (and an additional separate parcel). The two smaller parcels have areas of approximately .56 (Parcel 3) and .52 (Parcel 2) acres.



The larger parcel (Parcel 1) has an area of about 2.6 acres. In 2023-2024 the owner constructed a new office building on the easternmost parcel (Parcel 3) of the subdivided properties. The owner is currently working on plans to develop Parcel 2, and he hopes to repurpose Parcel 1 as a self-storage facility.

Conditional Use Considerations.

Conditional Uses are not allowed permitted "by right". However, the uses that are listed within the Permitted Use Table (Table 4) can be permitted after a hearing before the Planning Commission and approval by the City Council. The zoning ordinance outlines considerations (4.17.5 Criteria for Approval of a Conditional Use-Major) for the approval of Conditional Uses. These are listed below with a response in italics.

A. The proposed use is compatible with the character of development in the vicinity relative to density, bulk and intensity of structures, parking, and other uses. *The proposed development is consistent with the density, bulk, and intensity of the area. The largest building within the proposed development was constructed in approximately 2004. This building provides the defining 'bulk' for the site. To the east of the site are three convenience stores/gasoline stations. Along the north side of Highway 90, a large convenience store was recently constructed (Chevron) and to its east is another convenience store (Dodge's). Immediately south of these convenience stores is a Keith's Super Store. Convenience stores are permitted in the C-3 District, and these uses generate a high volume of traffic. These facilities are well lit with large canopies over the pumps. Directly south of the property is the "Boat Man" boat repair or boat yard. This is a 'by-right use' along Highway 90 within the C-3 District.*

To the north of the convenience stores is a church and fellowship hall. The church is a larger building that provides a similar 'bulk' of the proposed project. To the west of the site is a Merchant and Marine Bank that was constructed approximately 4 years ago. To the immediate east of the site is small Navigator Credit Union (south side of De La Pointe Drive) and a newly constructed office building by the owner of the subject parcel (Phoenix Labor Group). The area along Highway 90 is commercial in nature. To the north of the site and along the north side of De La Pointe are residential sites (single-family neighborhoods.)

Many of the uses that are permitted within the C-3 District 'by right' are more intense than the proposed use. Self-storage facilities generate some of the lowest traffic counts of commercial uses. The oftentimes can have as little as less than 10 trips a day for a total site. The proposed use will not conflict with surrounding uses.

B. Any possible detrimental effects might occur as a result of the Conditional Use to the continued use, value, or development of properties in the vicinity. *The proposed development is within a site that has been vacant for an extended period of time. The applicant acquired the property approximately 2 years ago. The 'vacant' and 'unfinished' appearance of the property had been an eyesore or blighting influence to the neighborhood. The owner recently repaired the structure and now proposes to improve the building and site. There are limited opportunities to reuse the existing structure, but self-storage is a use that does work with the existing structure. The proposed use will be consistent with the requirements of the zoning ordinance and provide the required landscaping for the site.*

The proposed use will not have a negative impact on surrounding properties and is likely a 'better fit' for some of the nearby residential areas than other more intense commercial uses.

A brief review of the zoning ordinance indicates that the following uses are permitted 'by right' on the property and within the C-3 District. Automobile Dealership, Automobile Gas Station, Automobile Repair Shop-Major and Minor, Bank or Financial Institution, Bar or Tavern, Boat Yard, Building Material and Supply Establishment, Car wash, Convenience Store, Contractor's Storage Yard, Gun Shop, Heavy Equipment Sales and Rental, Hotel and Motel, Lumberyard, Light Manufacturing, Cabinet and Wood working Shop-Millwork, Climate Controlled Mini-warehouses, Mobile Home Sales, Motorcycle Sales and Repair, Package Liquor Sales, Pawn Shops, Plant Nursery, Professional Office, Rehabilitation Center, Fast food and Specialty Restaurants, Supermarket, Title Loan Business, Used Car Sales, Veterinary Clinic, and other uses.

While many of these uses may be less 'bulky' than the proposed use, most of the uses will generate more traffic, noise, and odors than the proposed self-storage facility.

C. Whether or not the proposed use will adversely affect vehicular or pedestrian traffic in the vicinity. *Self-storage or*

mini-warehouse facilities generate some of the lowest traffic counts for commercial developments. As a result the site will have no negative influences on any form of traffic. There are a number of uses such as restaurants (specifically fast food) that could have a profound impact on traffic. With access along Shaw Drive traffic impacts on Highway 90 and De La Pointe Drive will be minimal.

D. If the proposed use can be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools. *The proposed development is located alongside Highway 90, Shaw Drive and De La Pointe Drive. All three roadways can provide access but Shaw Drive will serve as the principal access point. The facility will have only minimal impact on water, sewer or drainage. Similarly, the site will have no significant impact on fire or police services. Finally, the site will have no impact on the school district.*

E. If the proposed use is in harmony with the Comprehensive Plan. *The proposed development is consistent with the Comprehensive Plan. The area is identified as "High Impact Commercial" which permits such uses as a Lowe's Home Improvement Center. These areas typically permit more intense uses that generate more traffic. Also, appropriate for these areas are some "light industrial campuses or corporate offices". The proposed use of self-storage, mini-warehouses is similar to typical, warehousing except that the scale is much smaller and the items stored are typically household or residential related items.*

F. If the proposed use is listed in the list of possible Conditional Uses in that particular Zoning District. *The proposed use is identified with a capital "C" indicating it is permitted within the C-3 District as a Conditional Use-Major.*

G. Whether the proposed use will not be hazardous, detrimental, or disturbing to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances. *The proposed use of self-storage, mini-warehouse primarily includes the storage of household or residential related items. As a result the proposed use will have no obnoxious characteristics such as noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances.*

H. Whether the use conforms to all district regulations for the applicable district in which it is located unless other provisions are specifically set forth in the application. *The proposed development will conform to all applicable standards of the zoning ordinance.*

Property Background.

The property is currently vacant and has been for a number of years. Base on Google Earth review, the structure appears to have been constructed in approximately 2004. The site was part of a larger property and was used as a mobile home dealership which is a permitted use within the district. That use appears have been discontinued around 2010. To the east and west of the site, new developments have occurred. This includes the construction of a new convenience store to the east of the site in approximately 2021. To the south of that, an additional convenience store



was constructed in approximately 2010. To the west of the site, Merchants and Marine Bank was constructed around

2020. Farther west Coastal Insurance was constructed near the intersection of De La Pointe Drive and Highway 90. The structure on the site was repaired in 2023. Based on disrepair and long term vacancy, the building needed repairs to the roof and other portions of the building. The site was divided into smaller portions for more efficient use of the property. This resulted in a new building constructed (Phoenix Labor Group). The owner has plans for an additional commercial development on the remaining smaller parcel (Parcel 2).

Conclusions.

The owner is requesting a Conditional Use-Major to permit the repurposing of an old, existing car wash. The building was constructed in approximately 2004, but was either never complete or has been in disrepair. The new owner has invested funds to repair the shell of the structure. With the size and configuration, the reuse of the building is limited. The owner hopes to modify the existing building and convert it into a self-storage facility. He hopes to build additional self-storage units on the site.

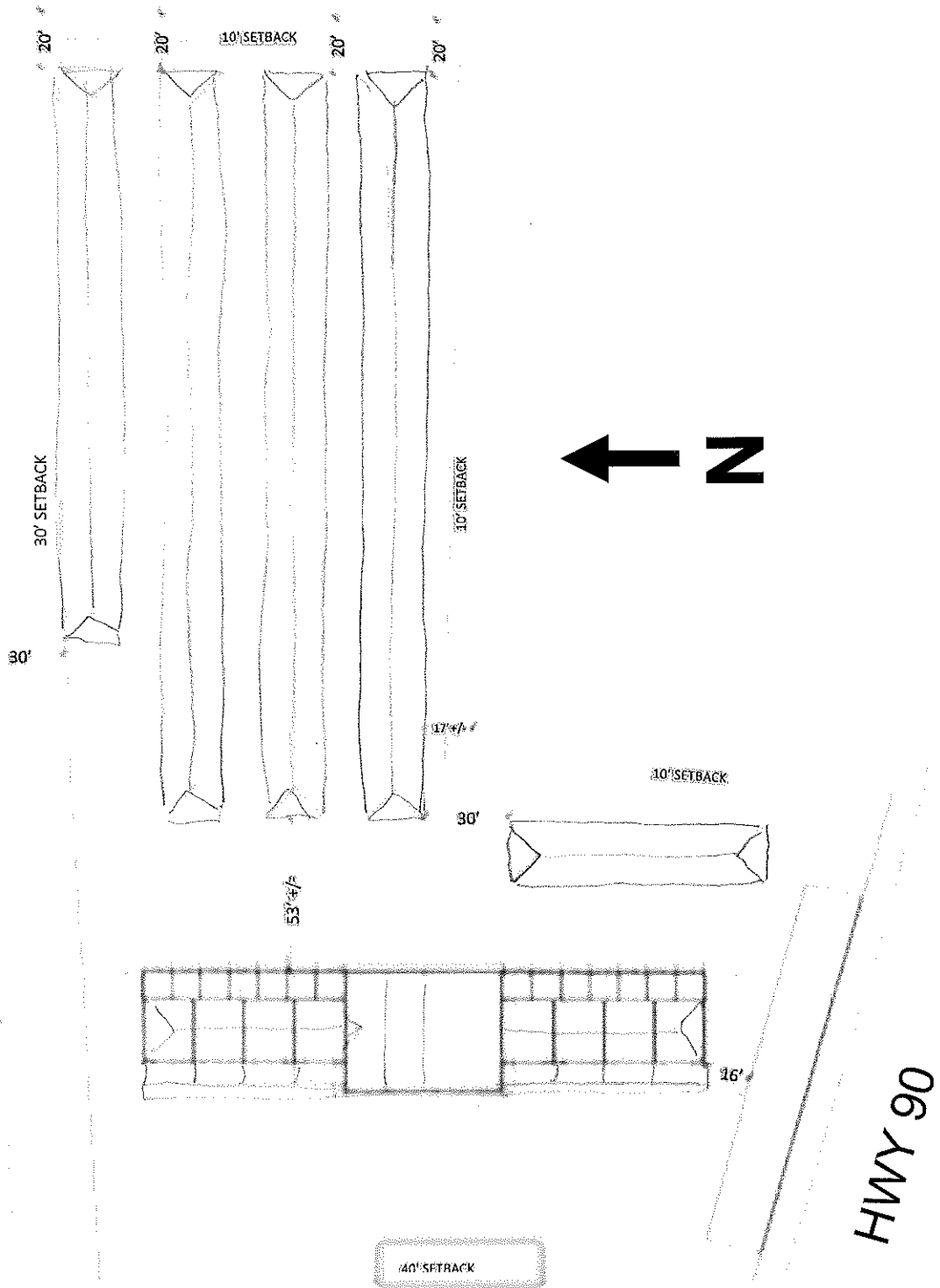
The proposed use is less intense than many of the uses permitted within the C-3 District and should have no negative impacts on the surrounding area. The site will be considered new construction and would have to meet all of the building, landscaping and site requirements of the zoning ordinance.

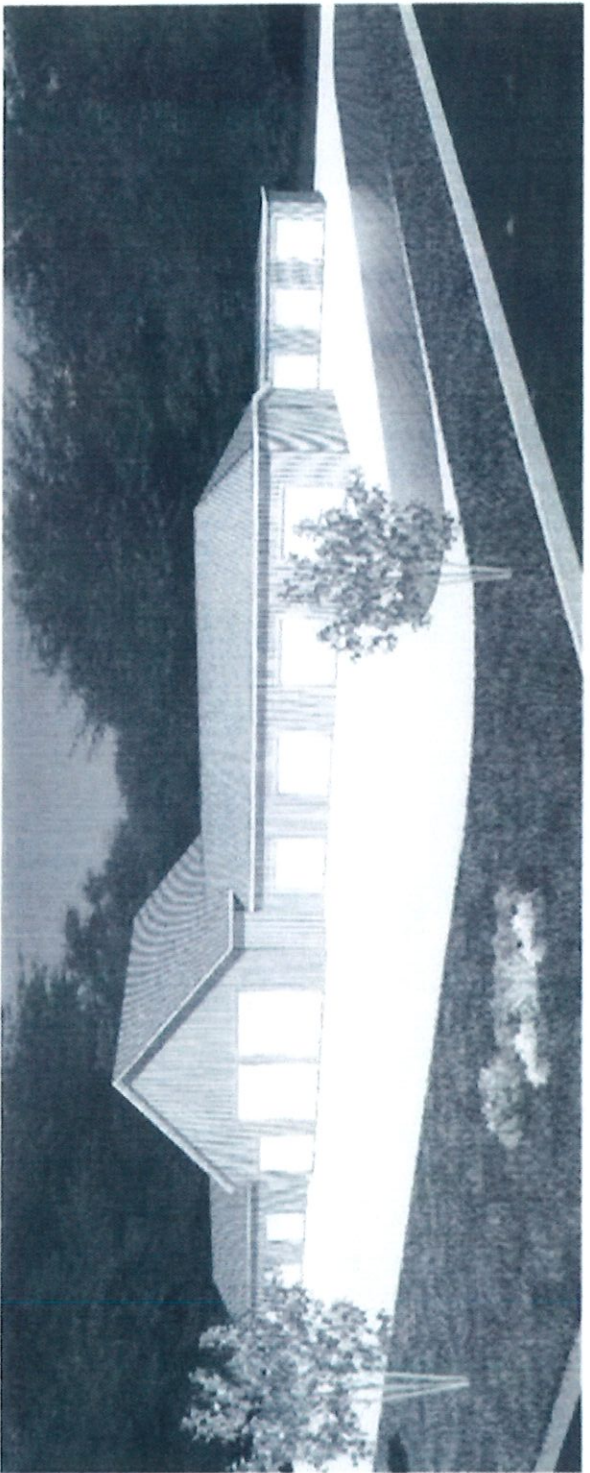
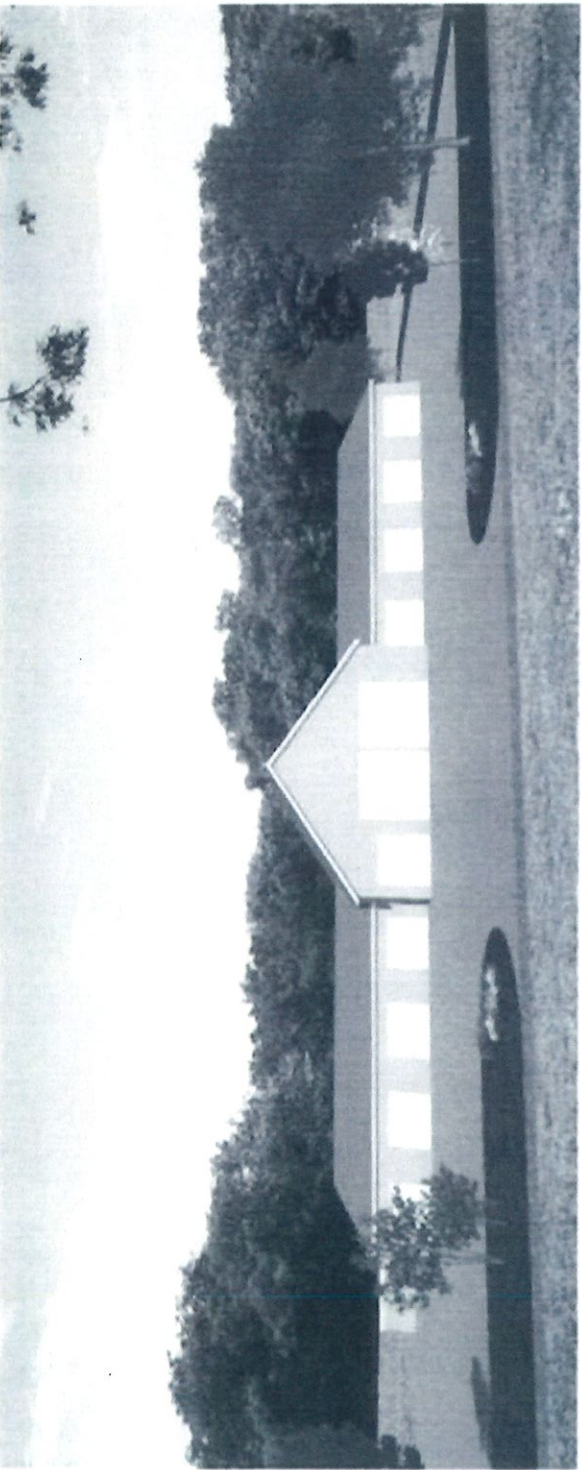
Respectfully Submitted,

A handwritten signature in blue ink, consisting of a large, stylized 'O' followed by a series of loops and a trailing line.

DE LA POINTE DR

SHAW DR

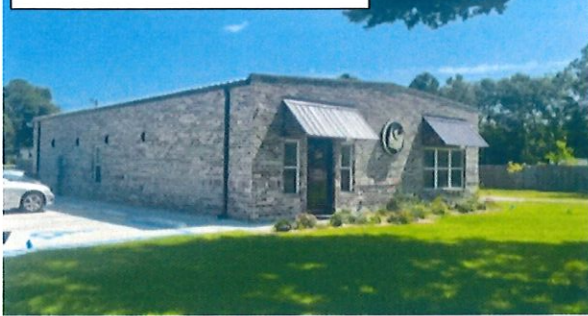




SUBJECT PROPERTY



PHOENIX LABOR GROUP



CHEVRON CONVENIENCE STORE



DODGE'S



M & M BANK



KEITH'S SUPERSTORE



NAVIGATOR CREDIT UNION



BOAT MAN



COASTAL INSURANCE



BOAT MAN



WATER'S EDGE SUB



81831440.000 OMEGA HOLDINGS LLC

PIDN: 81831440.000

GISP: 769.31-03-0006.00

Owner Information

Percent of Ownership: 100

Name: OMEGA HOLDINGS LLC

Name 2:

Mailing Address: 129 GANNET LN
OCEAN SPRINGS MS
39564

Site Address: HWY 90 GAUTIER

Land Information

Section: 31 Acreage: 3.69

Township: 7

Range: 6

Street Name HWY 90

Value and Tax Information

Total Assessed Value: 37241

Total Appraised Value: 248270

Improvement Value: 9960

Land Value: 238310

Tax Amount: 5253

SQ FT: 0

Year Built: 0

Legal Description

Description: COM SWC SECTION 31 N 1145.36' E
1301.02' TO NE INTERSECTION OF S
HAW DRIVE & HWY 90 & POB N 260.2
7' THEN E ALG DE LA POINTE DR 26
3.99' CONT E 222.76' S 181.35' W
250.18' S 157.17' TO N MGN HWY
90 W ALG HWY 90 230.18' TO POB D
B 1993-296 'PER SURVEY'

Deed Book / Page: 1993 / 296

81831440.000 OMEGA HOLDINGS LLC

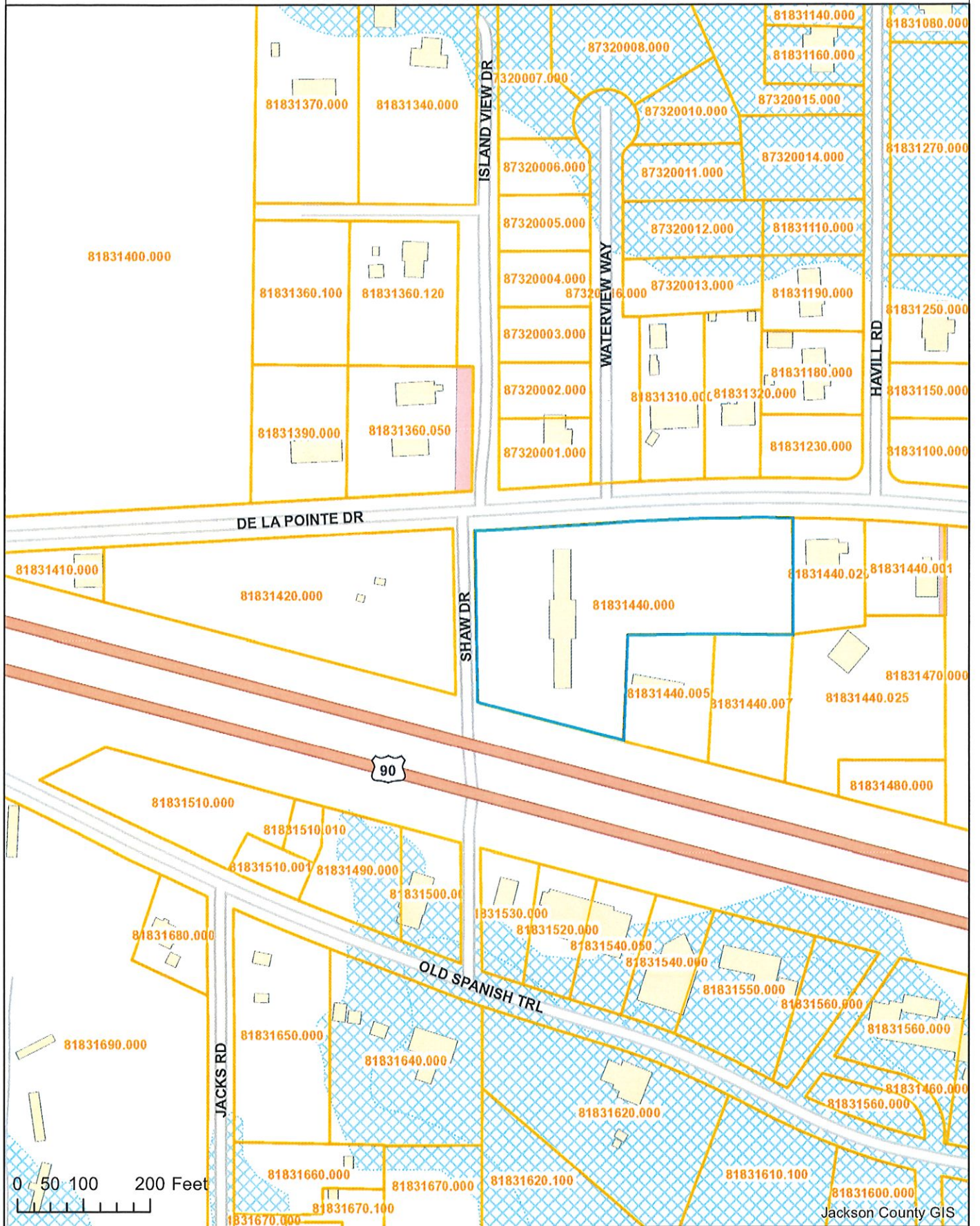


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department

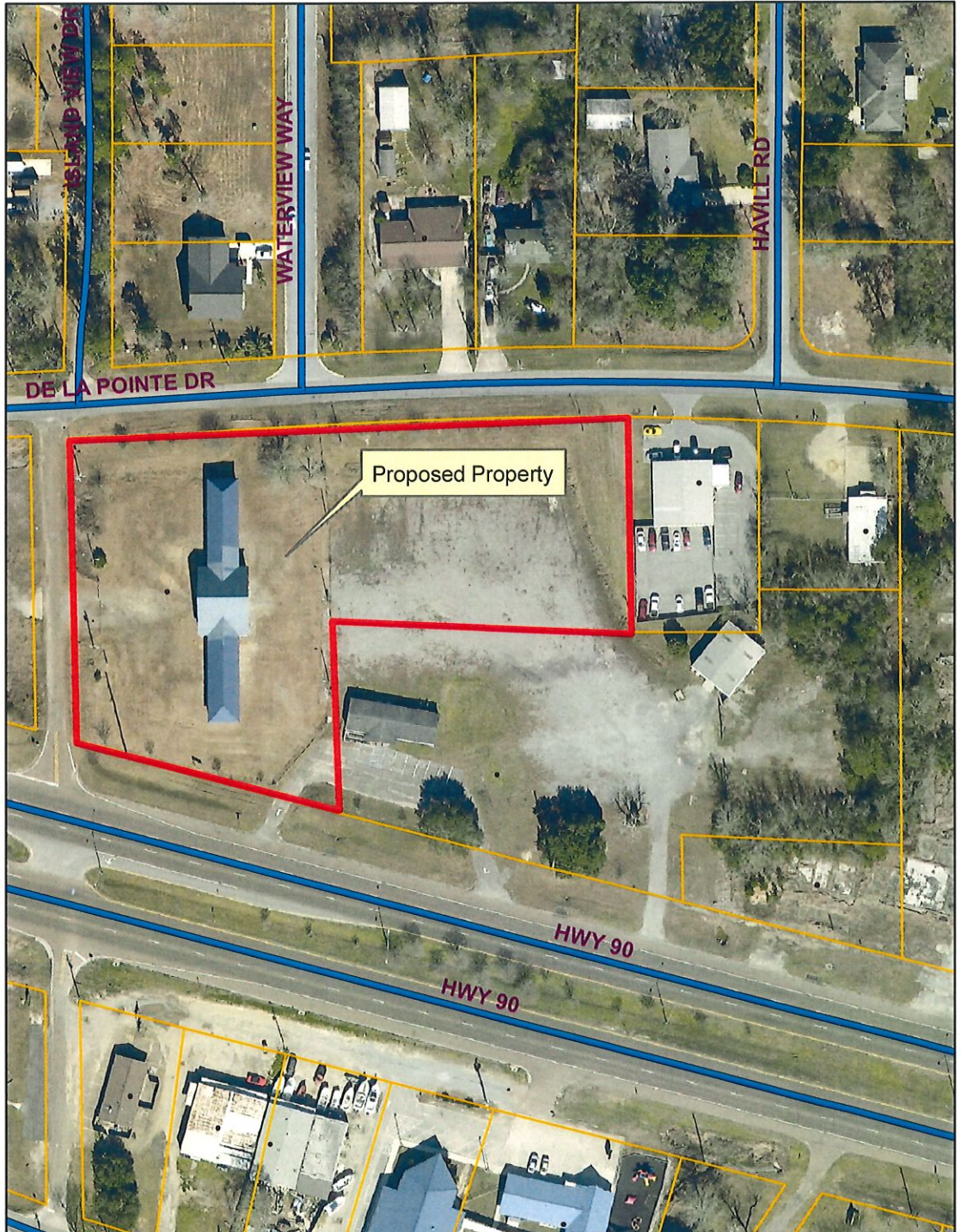


Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

- AG
- C-1
- C-2
- C-3
- I-2
- MURC-1
- MURC-2
- MURC-MW
- PL
- PUD
- R-1
- R-2
- R-3
- RE
- TC

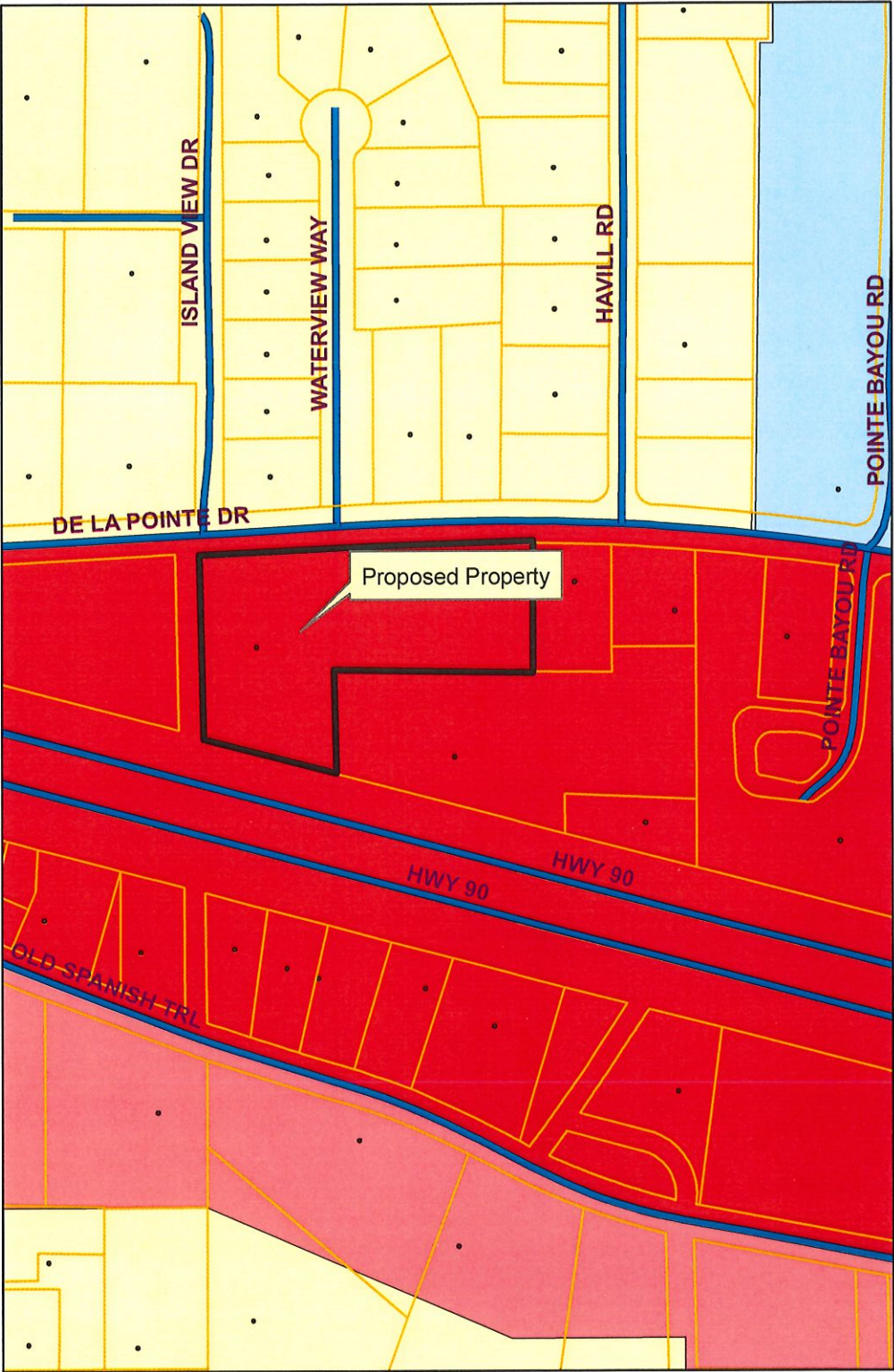


Exhibit C

Existing Land-Use

Prepared by:

City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

- commercial-retail
- conservation
- civic
- industrial
- marina/fish camps
- high density residential
- mobile home
- mobile home park
- medium density residential
- office
- recreation
- very low to low density residential
- utility
- vacant

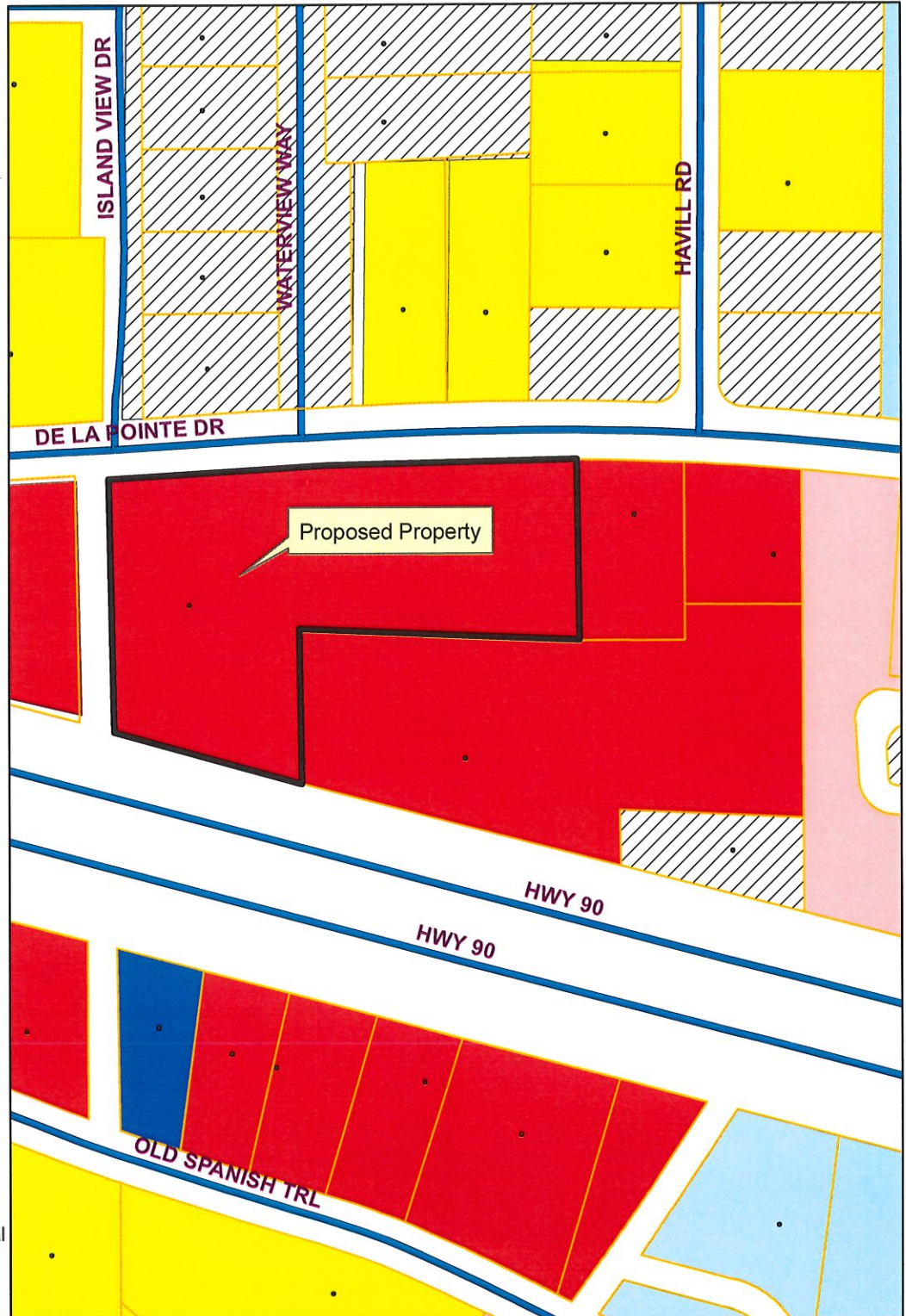


Exhibit D

Future Land-Use

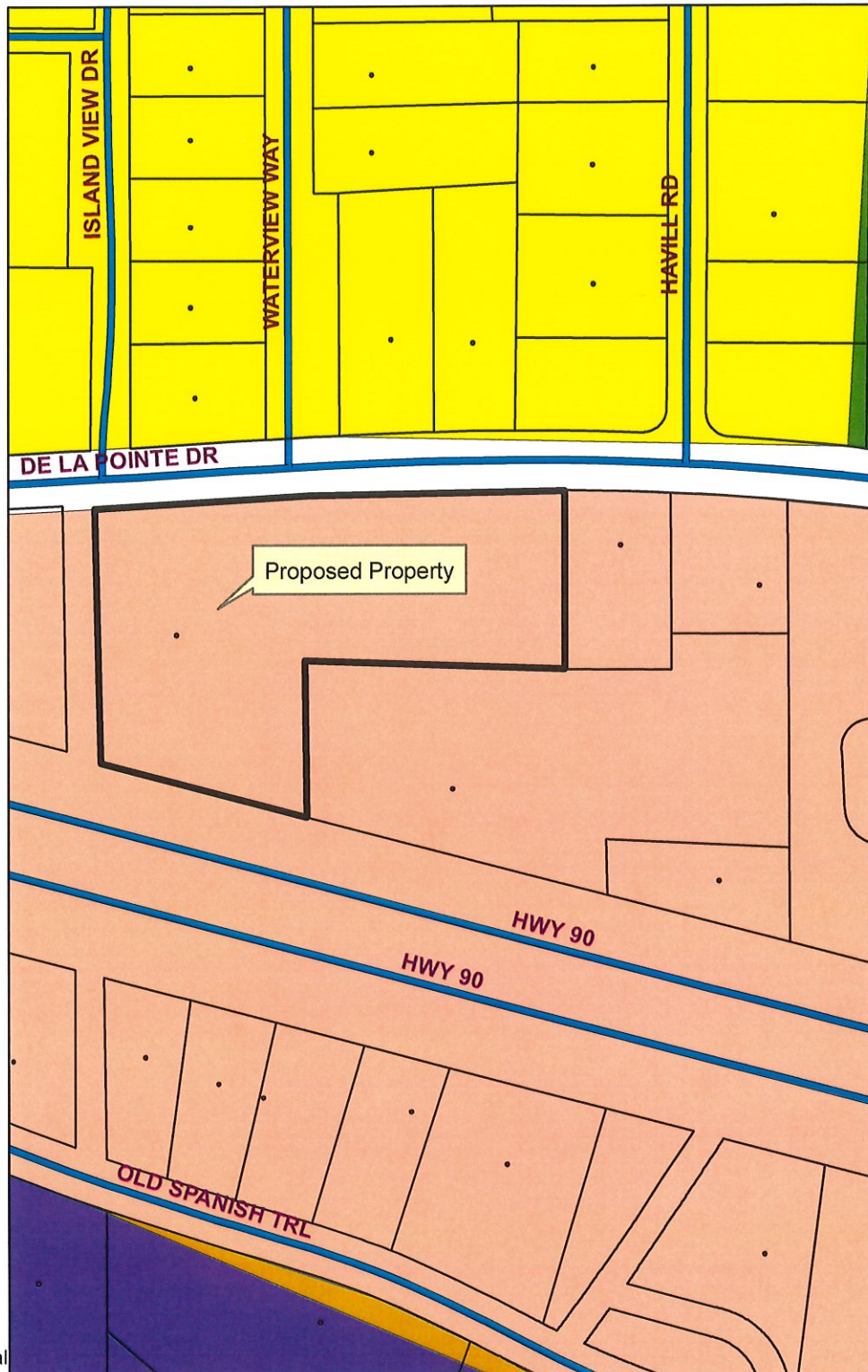
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

- Civic
- high impact commercial
- Conservation
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Mobile Home Residential
- low impact Commercial
- Recreational
- recreational commercial
- Regional Scale Commercial
- mixed use residential
- Town Center
- Very Low Density Residential



Gautier Planning Commission

Regular Meeting Agenda

September 5, 2024

GPC #24-33-SE

J. Douglas & Angie A. Molyneaux

2101 Old Spanish Trail

VII. NEW BUSINESS

2. Consider a request for a Special Exception that would allow the sale of sheds in the TC – Town Center Zoning District. 2101 Old Spanish Trail, (GPC #24-33-SE)

GAUTIER PUBLIC HEARING PROCESS (PLANNING COMMISSION)

Planning Commission Chairman to follow procedure below. All questions/comments to be directed to the Council and not to applicant, staff, or other attendees of the meeting.

1. Chairman announces the case.
2. Chairman makes statement, "This is a Public Hearing and all statements to be made need to be true and accurate for the record."
3. Staff gives brief overview of case.
4. Applicant presents their case.
5. Anyone to speak in support of the Request? Please state your name and address for the record.
6. Anyone to speak in opposition of the Request? Please state your name and address for the record.
7. Any final comments from the applicant?
8. Questions from Commission?
9. Chairman closes public hearing – "This closes the Public Hearing portion of this case" bang of gavel
10. Motion/Deliberation/Vote

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: August 28, 2024

Subject: Consider a request for a Special Exception that would allow the sale of sheds in the TC – Town Center Zoning District, 2101 Old Spanish Trail. (GPC #24-33-SE)

REQUEST:

The Planning Department has received a request from J. Douglas & Angie A. Molyneaux for a Special Exception that would allow sale of sheds in the TC – Town Center Zoning District at 2101 Old Spanish Trail, PID #82436055.195 (GPC #24-33-SE). The application fee of \$250 was paid on July 12, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned TC – Town Center.

1. Location: 2101 Old Spanish Trail, PID #82436055.195 (See Exhibit A)
2. General features of the proposed project:
Lot Size: 1.7 acres
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): TC- Town Center
5. Current Surrounding Zoning (See Exhibit B): TC – Town Center, C-2 Community Commercial, R-1 Low Density Single-Family Residential
6. Current Surrounding Existing Land Use (See Exhibit C): Commercial-Retail, Vacant, Very low to low density residential
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Town Center

DISCUSSION:

The following addresses the review criteria for a Special Exception outlined in Section 4.16.4 of the UDO.

1. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant?

Applicant Response: *A strict application of the TC zoning regulations would deprive me of rights commonly enjoyed by others in the district and impose unnecessary hardship. I urge the City Council to consider granting a special exception to allow for the sale of sheds on my property. Such a decision would align with both historical uses and the current economic landscape, ensuring fair and equitable treatment for all property owners in the district.*

Staff Finding: *There are other businesses that sell these types of sheds within the same district.*

2. Explain how the requested Special Exception will be in harmony with the purpose of the City of Gautier's Unified Development Ordinance and will not be injurious to the neighborhood or the general welfare?

Applicant Response: *The initial vision for the TC district has not materialized as expected. A reevaluation of the zoning boundaries east of Ladhier Road is warranted. (See attached)*

Staff Finding: *Staff does not feel that this use would be injurious to the neighborhood or the general welfare.*

3. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant.

Applicant Response: *The selling of sheds is specifically allowed in any zoning district in the city. I am assuming that it is considered an ancillary product to other retailers such as lumber yards. My property used to be a lumber yard. The need for this proposed special exception is not a result of any action that I have taken.*

Staff Finding: *Unsubstantiated*

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines a Special Exception as a relaxation of the terms of the Unified Development Ordinance where such an exception will not be contrary

to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the ordinance would result in undue hardship. Special Exceptions are necessary when an applicant seeks to establish or expand a use not ordinarily permitted in a specific zoning district. "Special Exceptions" are not transferable from one (1) owner of land to another.

2. Special Exception requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).
3. Once an application for a Special Exception is submitted to the Planning Department, the procedures outlined in UDO Section 4.14.1 will be followed. At the appropriate time, The Planning Commission will conduct a public hearing to determine whether the applicant meets all relevant criteria, and make a recommendation to City Council pursuant to UDO Section 4.14.4. City Council, pursuant to UDO Section 4.14.4(C), will then consider the matter at its next regularly scheduled meeting and approve or deny the Special Exception.
4. A Special Exception is required for uses not ordinarily permitted in a specific zoning district. Special Exceptions are not permitted by right, and may only be granted when certain criteria are established. (4.16.4)
5. Special Exceptions do not run with the land, and may be revoked by the Planning Department if any of the following circumstances are discovered:
 - A. The property changes ownership
 - B. The property is being utilized in a manner not permitted under the zoning regulations or the special exception; or
 - C. The property ceases to be used for the purpose allowed in the Special Exception for a period of one hundred eighty (180) days during the existence of the Special Exception.

The UDO defines **Hardship** as:

Hardship means the unnecessary hardship that would result from a failure to grant the requested variance or special exception. An unnecessary hardship exists if:

- (1) the land in question cannot yield a reasonable return if used only
 - (a) for a purpose allowed in that zone (applicable to special exceptions), or
 - (b) as permitted by the dimensional requirements of this ordinance (applicable to variances);
- (2) that the plight of the owner is due to unique circumstances of the land for which the variance or special exception is sought; and
- (3) that the use to be authorized by the variance will not alter the essential character of the locality.

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets the "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the Special Exception;
2. Recommend that City Council approve the Special Exception with changes; or
3. Recommend that City Council deny the Special Exception.

ATTACHMENTS:

1. Applicant's Exhibit 1 – Application
2. City's Exhibit A – Location Map
3. City's Exhibit B – Existing Zoning Map
4. City's Exhibit C – Existing Land Use Map
5. City's Exhibit D – Future Land Use Map

PLANNING DEPARTMENT
GAUTIER, MISSISSIPPI

SPECIAL EXCEPTION HEARING APPLICATION

Public Hearing Number

24-33-56

TYPE OF REQUEST:

☒ Special Exception _____

FEE:

\$251.00

*Includes \$1.00 filing fee per MS Code §25-60-5

Special Exception— These uses are not allowed by right and **require** a recommendation by the Planning Commission and approval of the City Council.

Name of Applicant: J. Douglas Molyneaux & Angie A. Molyneaux

Name of Business: NA

Address: 2101 Old Spanish Trail, Gautier, MS 39553

PID # 82436055.195

Mailing Address (if different): 2701 English Drive, Ocean Springs, MS 39564

Email Address: doug@molyneauxgroup.com

Phone: (228) 238-5008 Cell Phone: (228) 238-5008

Reason for request, location and intended use of Property: sale of sheds

ATTACHMENTS REQUIRED AS APPLICABLE:

- ☒ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- ☒ 2. Legal descriptions and street address.
- ☒ 3. A detailed project narrative that also addresses the questions on the "Criteria for Approval" page of this application.
- NA 4. Copy of protective covenants or deed restrictions, if any.
- NA 5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- NA 6. Any other information requested by the Planning Director.
- NA 7. Owner's Consent form if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant: _____

Angie A. Molyneaux

FOR OFFICE USE ONLY

Date Received 7/12/24 Verify as Complete BoL. / BoL

Fee Amount Received 251.00

Initials of Employee Receiving Application Bals

TC

SPECIAL EXCEPTION

Criteria for Approval Special Exception

- A. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant?
- B. Explain how the requested Special Exception will be in harmony with the purpose and intent of the City of Gautier's Unified Development Ordinance and will not be injurious to the neighborhood or the general welfare?
- C. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant?

Criteria for Approval

Special Exception

The current zoning classification of my property as Town Center (TC) does not align with its historical use, surrounding property uses, or the current economic reality of the area east of Ladnier Road. A strict application of the TC zoning regulations would deprive me of rights commonly enjoyed by others in the district and impose unnecessary hardship.

Historically, my property was zoned C3 and operated as a lumber yard. When I purchased the property in August of 2020 it was being used for storage and as a laydown yard for a concrete company.

Many surrounding properties, in the immediate vicinity of my property, demonstrate a range of uses that typically require C3 or industrial zoning. Notably:

Two mini warehouse/self-storage facilities operate within the TC district, one being just 812 feet from my property. These facilities usually require C3 or industrial zoning.

An auto repair business is within 800 feet of my property, requiring C3 zoning.

The Air Masters warehouse facility and equipment yard would most certainly not be a permitted use in the TC district and is also 800 feet from my property.

Lowe's, which is located adjacent to the actual Town Center property, functions as a hardware store, home improvement store and **lumber yard, selling sheds displayed in their parking lot.**

A Grease Monkey Oil Change facility is situated across the street from Lowe's, another use not typically permitted under TC zoning.

The extension of the TC district east of Ladnier Road might have been justifiable in 2010, coinciding with the anticipated Mall redevelopment and the commitment from major retailers like Walmart. However, the withdrawal of Walmart and other retailers has slowed the envisioned growth and expansion of the Town Center district.

Given the current economic context, applying TC zoning restrictions to my property does not align with its practical use or the surrounding uses. Denying my property the ability to sell sheds—similar to the uses enjoyed by Lowe's and others—would unfairly restrict my rights.

Request for Consideration

I respectfully request the Planning Commission and City Council to consider the following points:

1. Consistency with Historical Use: My property has a long-standing history of having C3 zoning and use, which should be acknowledged and respected.
2. Equity with Surrounding Properties: Other properties within the TC district are currently enjoying uses that typically require C3 or industrial zoning including Lowes which sells sheds and displays them in their parking lot. My property should be afforded the same flexibility.

3. Economic Realities: The initial vision for the TC district has not materialized as expected. A reevaluation of the zoning boundaries east of Ladnier Road is warranted.

Conclusion

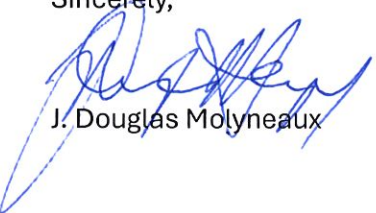
In summary, enforcing a literal interpretation of the TC zoning regulations on my property would deprive me of rights commonly enjoyed by others in the district and impose unnecessary hardship. I urge the City Council to consider granting a special exception to allow for the sale of sheds on my property. Such a decision would align with both historical uses and the current economic landscape, ensuring fair and equitable treatment for all property owners in the district.

Furthermore, Harbor Freight tools is a permitted use in the TC district. They sell tools and even tool storage cabinets. If they decided to expand their offerings to include tool sheds, would they be allowed to display them in their parking lot, or behind their store, like Lowes does? Or as Tractor Supply displays trailers? I think "yes". My property is so connected to the Harbor Freight Property that everyone that goes behind the store thinks I work at Harbor Freight Tools if I am at my building. If I am allowed to sell sheds, most people would naturally think that Harbor Freight expanded their offerings to include sheds. This use is in harmony with the purpose and intent of Gautier's Unified Development Ordinance and in no way injurious to the neighborhood or general welfare.

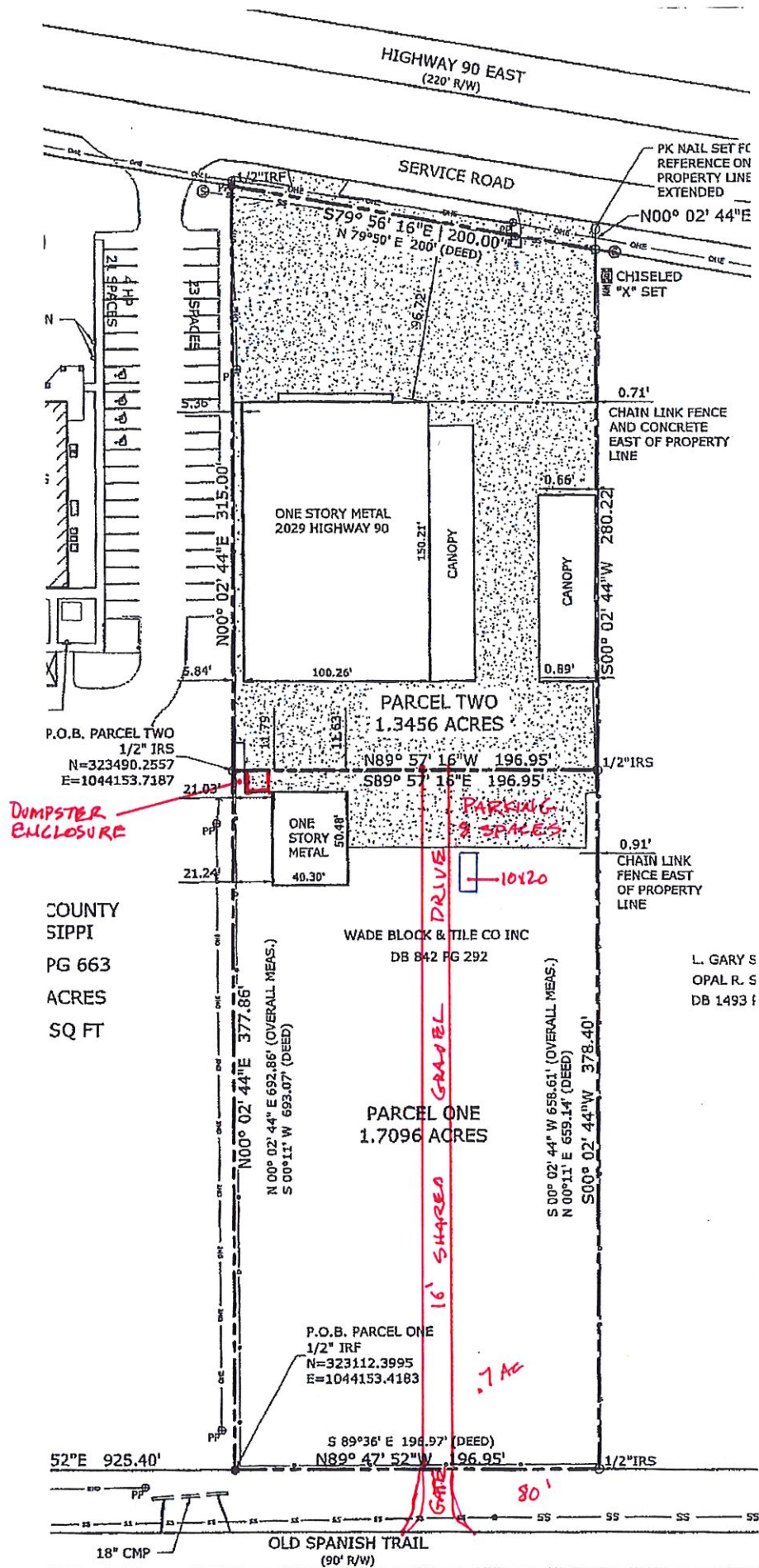
Lastly, the selling of sheds is specifically allowed in any zoning district in the city. I am assuming that it is considered an ancillary product to other retailers such as lumber yards. My property used to be a lumber yard. The need for this proposed special exception is not a result of any action that I have taken.

Thank you for your time and consideration.

Sincerely,



J. Douglas Molyneux



2102 Old Spanish Trail, Gautier, MS 39553

PROPERTY DESCRIPTION
PARCEL ONE

Being a tract of land situated in the southwest quarter of Section 36, Township 7 South, Range 7 West, Jackson County, Mississippi, and being a portion of that land conveyed to Wade Block & Tile Company, Inc. as recorded in Deed Book 842 Page 292, Deed Records, Jackson County, Mississippi, as shown on survey by Paul D. Pitts, Jr., dated July 24, 2017, whose basis of bearings is the Mississippi State Plane Coordinate System, East Zone (2301), NAD 83 (2011 Epoch 2010.00), Geoid 12B, grid values, using a scale factor of 0.999954111 and a convergence angle of 00 degrees 05 minutes 46 seconds determined specifically for this project using GPS methods from a Base Station located at N325,376.4140, E1,043,584.8500 obtained from the USM Network, and being more particularly described as follows:

Commencing at a concrete monument found for the southwest corner of the southwest quarter of Section 36, Township 7 South, Range 7 West, Jackson County, Mississippi, having State Plane Coordinates of N321,736.5415, E1,042,522.5026;

Thence, along the west line of said southwest quarter of Section 36, North 00 degrees 09 minutes 52 seconds West a distance of 1,378.00 feet, to a point for corner;

Thence, North 89 degrees 54 minutes 31 seconds East a distance of 705.52 feet, to a 5/8 inch iron rod found for the intersection of the east right of way line of Ladnier Road (an 80' right of way) and the north right of way line of Old Spanish Trail (a 90' right of way);

Thence, along said north right of way line, North 89 degrees 47 minutes 52 seconds East a distance of 925.40 feet, to a 1/2 inch iron rod found for the Point of Beginning of the herein described tract, having State Plane Coordinates of N323,112.3995, E1,044,153.4183;

Thence, North 00 degrees 02 minutes 44 seconds East a distance of 377.86 feet, to a 1/2 inch iron rod set for corner;

Thence, South 89 degrees 57 minutes 16 seconds East a distance of 196.95 feet, to a 1/2 inch iron rod set for corner;

Thence, South 00 degrees 02 minutes 44 seconds West a distance of 378.40 feet, to a 1/2 inch iron rod set for corner on the north right of way line of the aforementioned Old Spanish Trail;

Thence, along said north right of way line, North 89 degrees 47 minutes 52 seconds West a distance of 196.95 feet, to the Point of Beginning and containing 1.7096 acres of land.

82436055.195 MOLYNEAUX J DOUGLAS &

PIDN: 82436055.195

GISP: 777.36-03-0110.01

Owner Information

Percent of Ownership: 100

Name: MOLYNEAUX J DOUGLAS &

Name 2: MOLYNEAUX ANGIE A

Mailing Address: 2701 ENGLISH DR
OCEAN SPRINGS MS
39564

Site Address: OLD SPANISH TRL GAUTIER

Land Information

Section: 36 Acreage: 1.7

Township: 7

Range: 7

Street Name OLD SPANISH
TRL

Value and Tax Information

Total Assessed Value: 7125

Total Appraised Value: 47500

Improvement Value: 9600

Land Value: 37900

Tax Amount: 1005

SQ FT: 0

Year Built: 0

Legal Description

Description: COM SWC SW1/4 N 1378' N89°E 705.
52' TO E/M LADNIER RD & N/M OLD
SPANISH TRAIL N89°E 925.4' TO PO
B N 377.86' S89°E 196.95' S 378.
4' TO N/M OLD SPANISH TRAIL N89°
W 196.95' TO POB DB 2043-671 (11
0.01 MAP777.36-03)

Deed Book / Page: 2043 / 671

82436055.195 MOLYNEAUX J DOUGLAS &

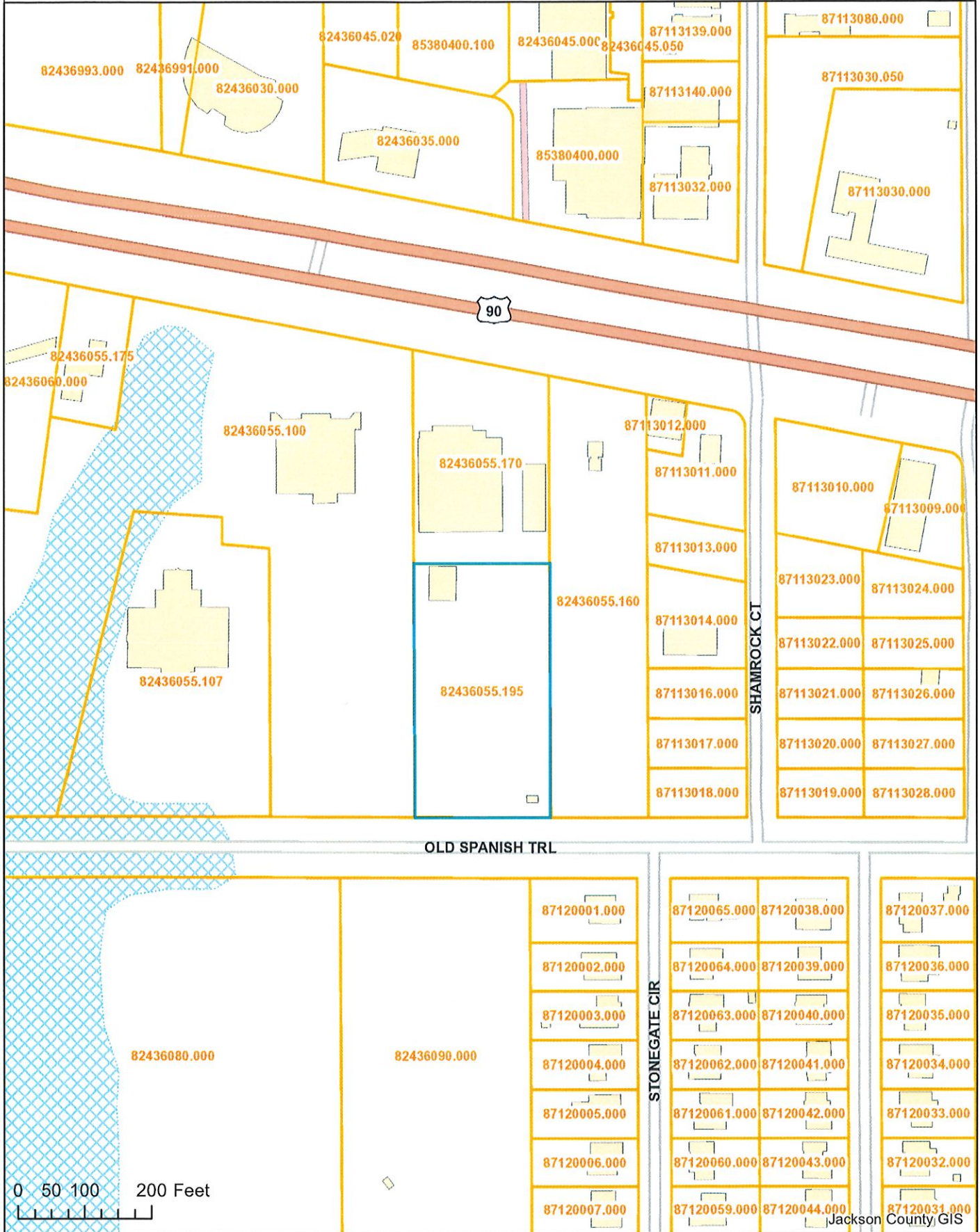


Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department



Exhibit B

Existing Zoning

Prepared by:

City of Gautier
Planning Department

Legend

Zoning

ZONECODE

	AG
	C-1
	C-2
	C-3
	I-2
	MURC-1
	MURC-2
	MURC-MW
	PL
	PUD
	R-1
	R-2
	R-3
	RE
	TC

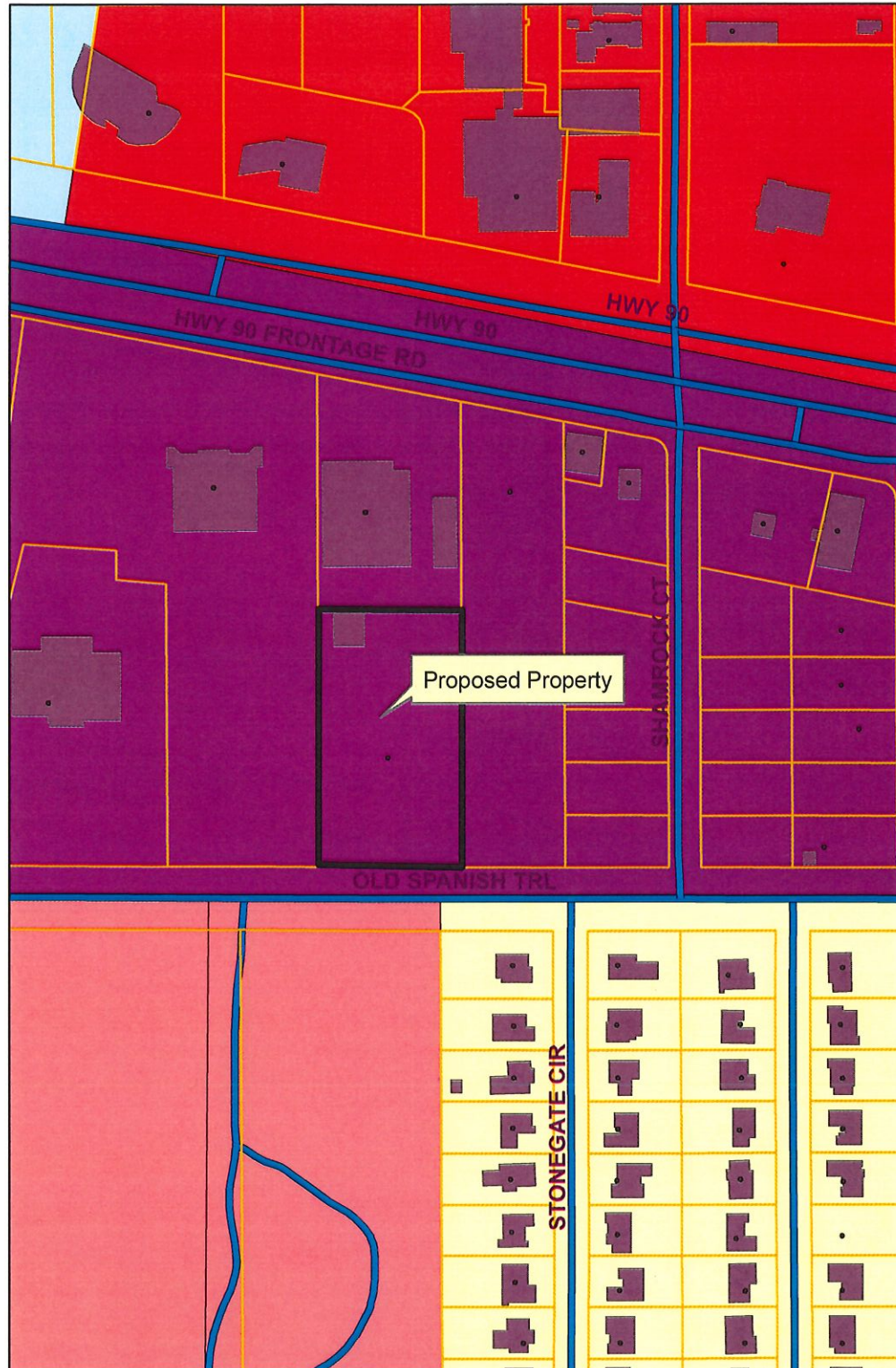


Exhibit C

Existing Land-Use

Prepared by:

City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

- commercial-retail
- conservation
- civic
- industrial
- marina/fish camps
- high density residential
- mobile home
- mobile home park
- medium density residential
- office
- recreation
- very low to low density residential
- utility
- vacant

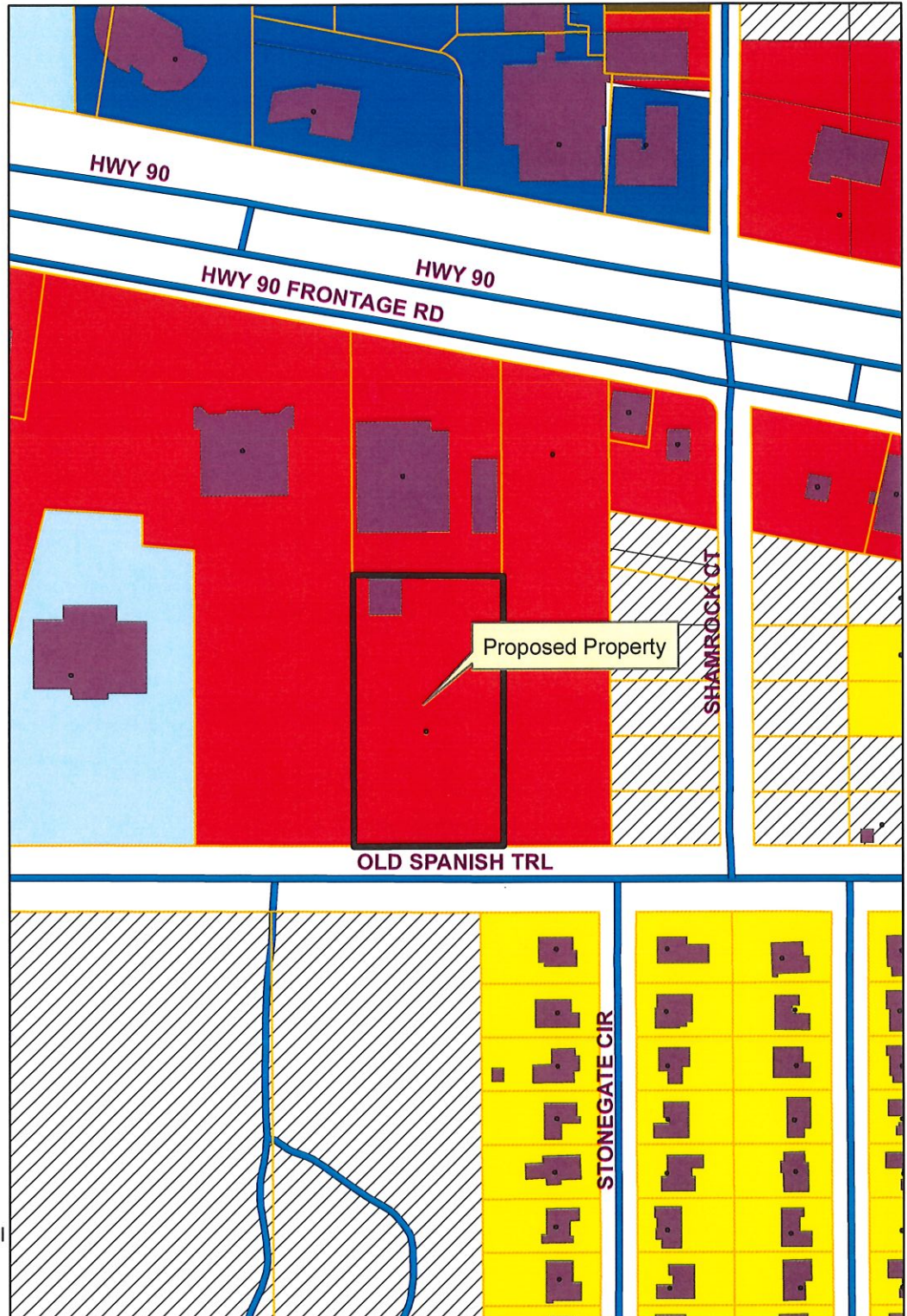


Exhibit D Future Land-Use

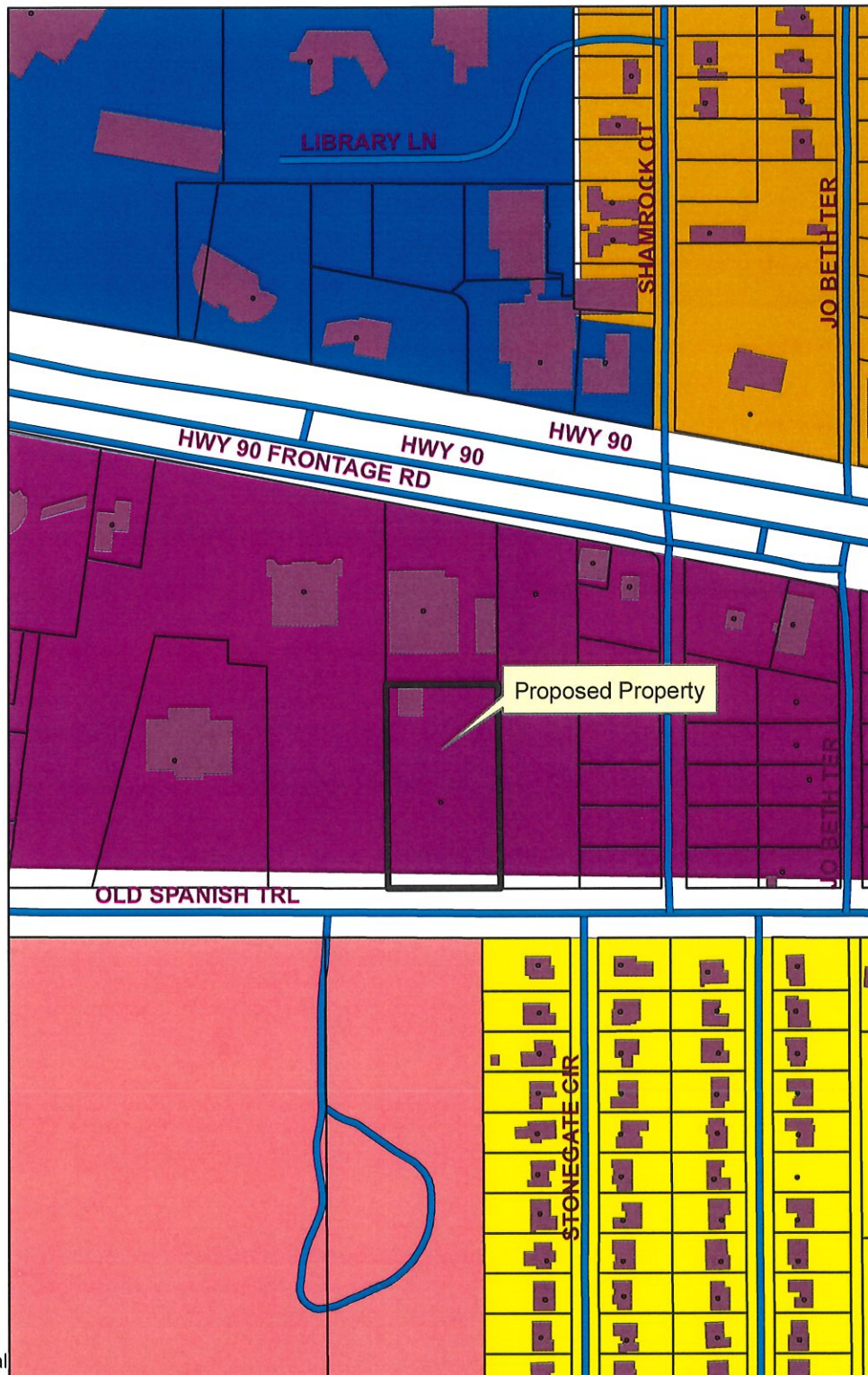
Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

-
- Civic
- high impact commercial
- Conservation
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Mobile Home Residential
- low impact Commercial
- Recreational
- recreational commercial
- Regional Scale Commercial
- mixed use residential
- Town Center
- Very Low Density Residential



Gautier Planning Commission

Regular Meeting Agenda

September 5, 2024

GPC #24-34-SE

Luis Elias Mendoza Quintanilla

7717 Dahlia Drive

VII. NEW BUSINESS

3. Consider a request for a Special Exception that would allow a duplex in an R-3 Mobile/Manufactured Home Residential Zoning District. 7717 Dahlia Drive, (GPC #24-34-SE)

GAUTIER PUBLIC HEARING PROCESS (PLANNING COMMISSION)

Planning Commission Chairman to follow procedure below. All questions/comments to be directed to the Council and not to applicant, staff, or other attendees of the meeting.

1. Chairman announces the case.
2. Chairman makes statement, "This is a Public Hearing and all statements to be made need to be true and accurate for the record."
3. Staff gives brief overview of case.
4. Applicant presents their case.
5. Anyone to speak in support of the Request? Please state your name and address for the record.
6. Anyone to speak in opposition of the Request? Please state your name and address for the record.
7. Any final comments from the applicant?
8. Questions from Commission?
9. Chairman closes public hearing – "This closes the Public Hearing portion of this case" bang of gavel
10. Motion/Deliberation/Vote

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: August 28, 2024

Subject: Consider a request for a Special Exception that would allow a duplex in a R-3 Mobile/Manufactured Home Residential Zoning District, 7717 Dahlia Drive. (GPC #24-34-SE)

REQUEST:

The Planning Department has received a request from Luis Elias Mendoza Quintanilla for a Special Exception that would allow a duplex in a R-3 Mobile/Manufactured Home Residential Zoning District at 7717 Dahlia Drive, PID #85441243.000 (GPC #24-34-SE). The application fee of \$250 was paid on July 22, 2024. All public notice requirements have been met.

BACKGROUND:

The request property is zoned R-3 Mobile/Manufactured Home Residential

1. Location: 7717 Dahlia Drive, PID #85441243.000 (See Exhibit A)
2. General features of the proposed project:
Lot Size: approximately 0.23 acres
3. Potable Water and Wastewater Services: Available at current location
4. Current Zoning (See Exhibit B): R-3 Mobile/Manufactured Home Residential
5. Current Surrounding Zoning (See Exhibit B): R-3 Mobile/Manufactured Home Residential
6. Current Surrounding Existing Land Use (See Exhibit C): Mobile Home
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Mobile Home Residential

DISCUSSION:

The following addresses the review criteria for a Special Exception outlined in Section 4.16.4 of the UDO.

1. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant?

Applicant Response: See Attached.

Staff Finding: City Council approved a duplex in the same zoning district in August 2023.

2. Explain how the requested Special Exception will be in harmony with the purpose of the City of Gautier's Unified Development Ordinance and will not be injurious to the neighborhood or the general welfare?

Applicant Response: See Attached.

Staff Finding: Unsubstantiated

3. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant.

Applicant Response: I have no evidence that his request is a result of any of my actions.

Staff Finding: Unsubstantiated

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines a Special Exception as a relaxation of the terms of the Unified Development Ordinance where such an exception will not be contrary to the public interest, and where, owing to conditions peculiar to the property, a literal enforcement of the ordinance would result in undue hardship. Special Exceptions are necessary when an applicant seeks to establish or expand a use not ordinarily permitted in a specific zoning district. "Special Exceptions" are not transferable from one (1) owner of land to another.
2. Special Exception requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).
3. Once an application for a Special Exception is submitted to the Planning Department, the procedures outlined in UDO Section 4.14.1 will be followed.

At the appropriate time, The Planning Commission will conduct a public hearing to determine whether the applicant meets all relevant criteria, and make a recommendation to City Council pursuant to UDO Section 4.14.4. City Council, pursuant to UDO Section 4.14.4(C), will then consider the matter at its next regularly scheduled meeting and approve or deny the Special Exception.

4. A Special Exception is required for uses not ordinarily permitted in a specific zoning district. Special Exceptions are not permitted by right, and may only be granted when certain criteria are established. (4.16.4)
5. Special Exceptions do not run with the land, and may be revoked by the Planning Department if any of the following circumstances are discovered:
 - A. The property changes ownership
 - B. The property is being utilized in a manner not permitted under the zoning regulations or the special exception; or
 - C. The property ceases to be used for the purpose allowed in the Special Exception for a period of one hundred eighty (180) days during the existence of the Special Exception.

The UDO defines **Hardship** as:

Hardship means the unnecessary hardship that would result from a failure to grant the requested variance or special exception. An unnecessary hardship exists if:

- (1) the land in question cannot yield a reasonable return if used only
 - (a) for a purpose allowed in that zone (applicable to special exceptions), or
 - (b) as permitted by the dimensional requirements of this ordinance (applicable to variances);
- (2) that the plight of the owner is due to unique circumstances of the land for which the variance or special exception is sought; and
- (3) that the use to be authorized by the variance will not alter the essential character of the locality.

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets the "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

1. Recommend that City Council approve the Special Exception;
2. Recommend that City Council approve the Special Exception with changes; or

3. Recommend that City Council deny the Special Exception.

ATTACHMENTS:

1. Applicant's Exhibit 1 – Application
2. City's Exhibit A – Location Map
3. City's Exhibit B – Existing Zoning Map
4. City's Exhibit C – Existing Land Use Map
5. City's Exhibit D – Future Land Use Map

PLANNING DEPARTMENT
GAUTIER, MISSISSIPPI

SPECIAL EXCEPTION HEARING APPLICATION

Public Hearing Number

24-34-5E

TYPE OF REQUEST:

☒ Special Exception _____

FEE:

\$251.00

*Includes \$1.00 filing fee per MS Code §25-60-5

Special Exception— These uses are not allowed by right and **require** a recommendation by the Planning Commission and approval of the City Council.

Name of Applicant: Luis Elias Mendoza Quintanilla

Name of Business: N/A

Address: 2512 El Viernes Street, Gautier, Mississippi 39553

Mailing Address (if different): 7717 Dahlia PID # 85441243.000

Email Address: lmendoza@aztecasrestaurante.com

Phone: N/A Cell Phone: 228-249-3898

Reason for request, location and intended use of Property: To build a residential duplex home in a R-3 Mobile / Manufactured Home Residential Zoning District; 7717 Dahlia Drive, Lots 165 & 166, Gautier, Mississippi 39553; rental property

ATTACHMENTS REQUIRED AS APPLICABLE:

- X _____ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- X _____ 2. Legal descriptions and street address.
- X _____ 3. A detailed project narrative that also addresses the questions on the "Criteria for Approval" page of this application.
- X _____ 4. Copy of protective covenants or deed restrictions, if any.
- N/A _____ 5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- N/A _____ 6. Any other information requested by the Planning Director.
- N/A _____ 7. Owner's Consent form if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant: 

FOR OFFICE USE ONLY

Date Received 7/22/24 Verify as Complete Babs

Fee Amount Received 251.00

Initials of Employee Receiving Application Babs

R3

SPECIAL EXCEPTION

Criteria for Approval

Special Exception

- A. Explain how a literal interpretation of the City of Gautier's Unified Development Ordinance would deprive the applicant of rights commonly enjoyed by others of the district in which the property is located, and would work unnecessary hardship upon the applicant?**

The City of Gautier's Unified Development Ordinance does not allow for the construction of a residential duplex home in a R-3 Mobile / Manufactured Home Residential Zoning District. Purchasing a manufactured home to place on the property located at 7717 Dahlia Drive, Lots 165 & 166, Parcel Identification Number 85441243.000 is not cost effective for my investment in this neighborhood. Due to the value of a manufactured home decreasing compared to building a residential duplex home that would increase in value over the years would cause a hardship due to the cost of property care and maintenance being more over the years to maintain the manufactured home. In addition, the land would not yield a reasonable return on my investment if used only for a manufactured home. If approved to allow a duplex to be constructed by a special exception, it would not alter the essential character of the locality.

- B. Explain how the requested Special Exception will be in harmony with the purpose and intent of the City of Gautier's Unified Development Ordinance and will not be injurious to the neighborhood or the general welfare?**

The residential duplex home that I would like to build would provide housing for two families. It would be constructed better than a manufactured home. In addition, it would help the current appearance of the neighborhood and would be safer for the tenant than a manufactured home. It would not be injurious to the neighborhood or the general welfare. This request would help improve the characteristics of the neighborhood and would generate higher ad valorem real property taxes for the City of Gautier. If approved, I believe this construction may encourage people to start building more homes like this, giving a better view of the city and increasing the quality of life of the community in this area in Gautier.

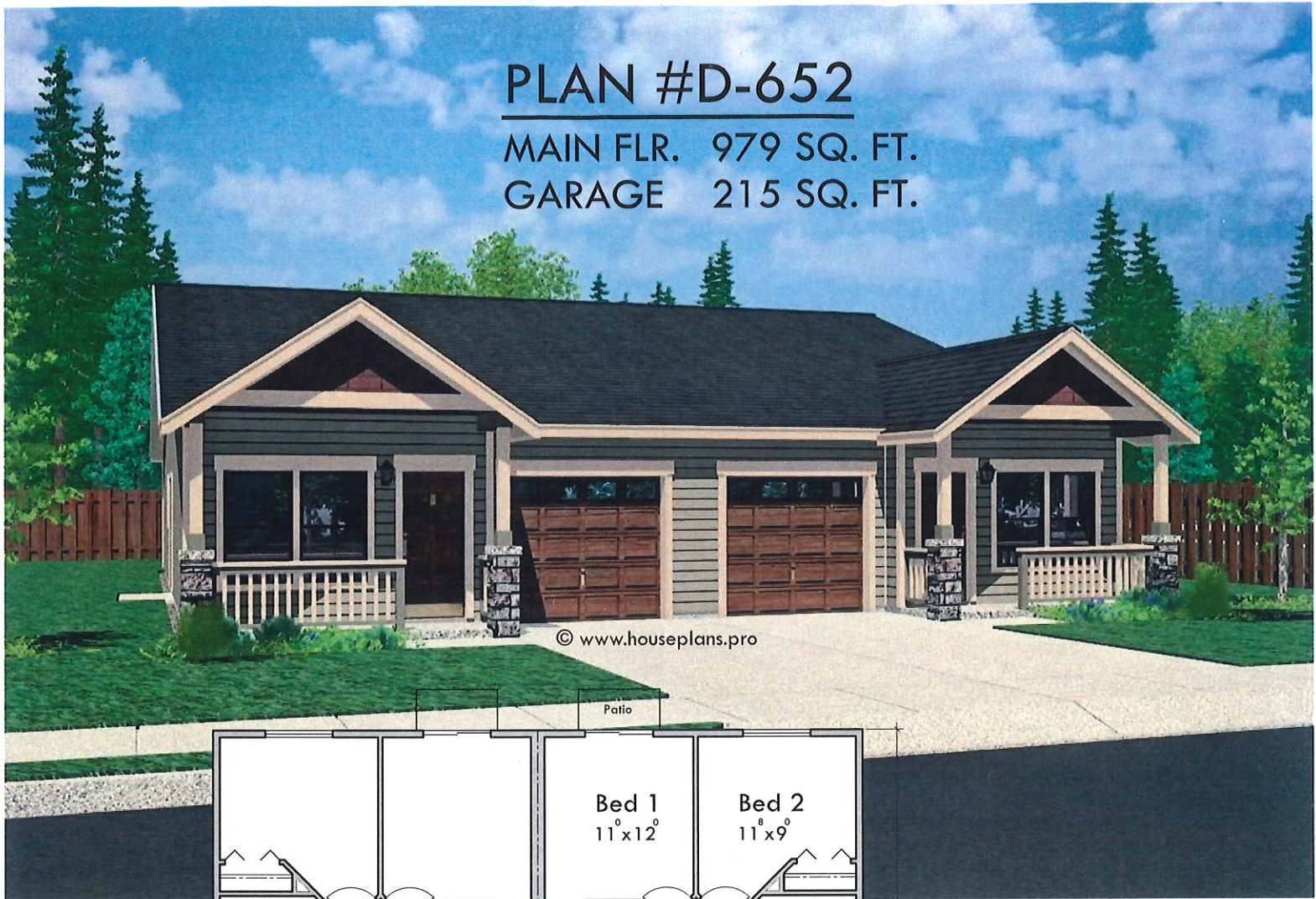
- C. Explain how the special circumstances requiring the proposed Special Exception are not results of actions of the applicant?**

I have no evidence that this request is a result of any of my actions.

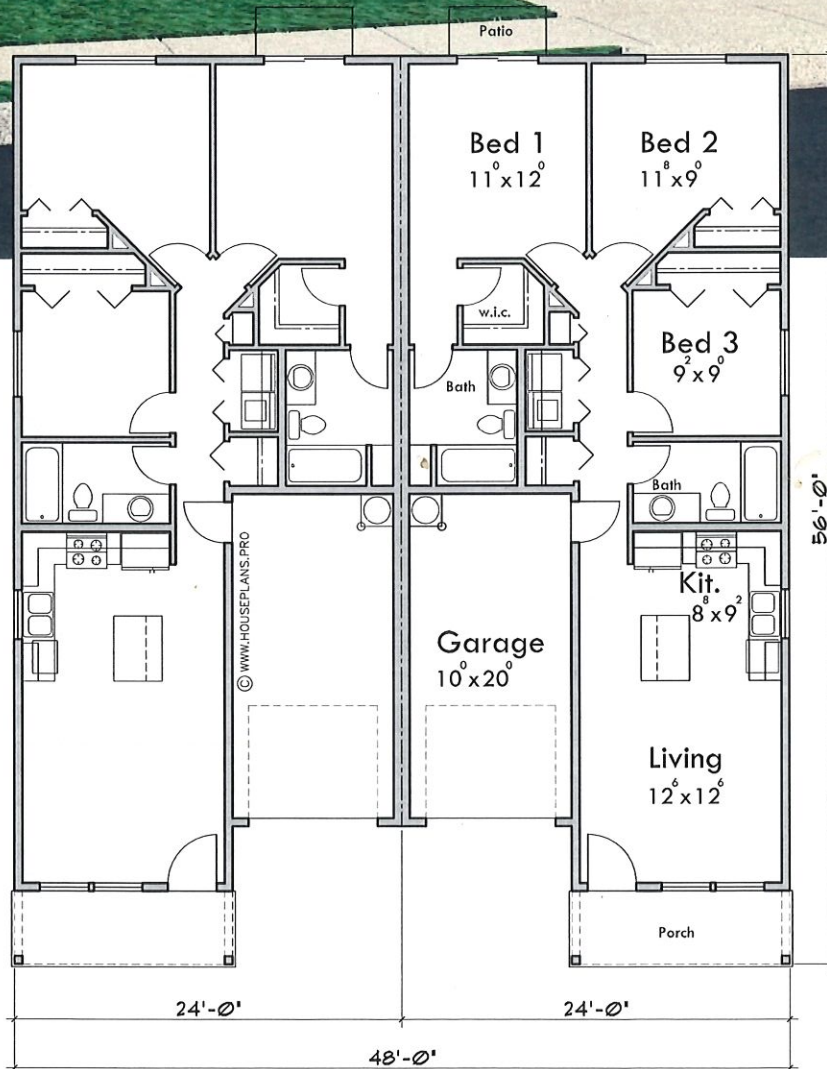
PLAN #D-652

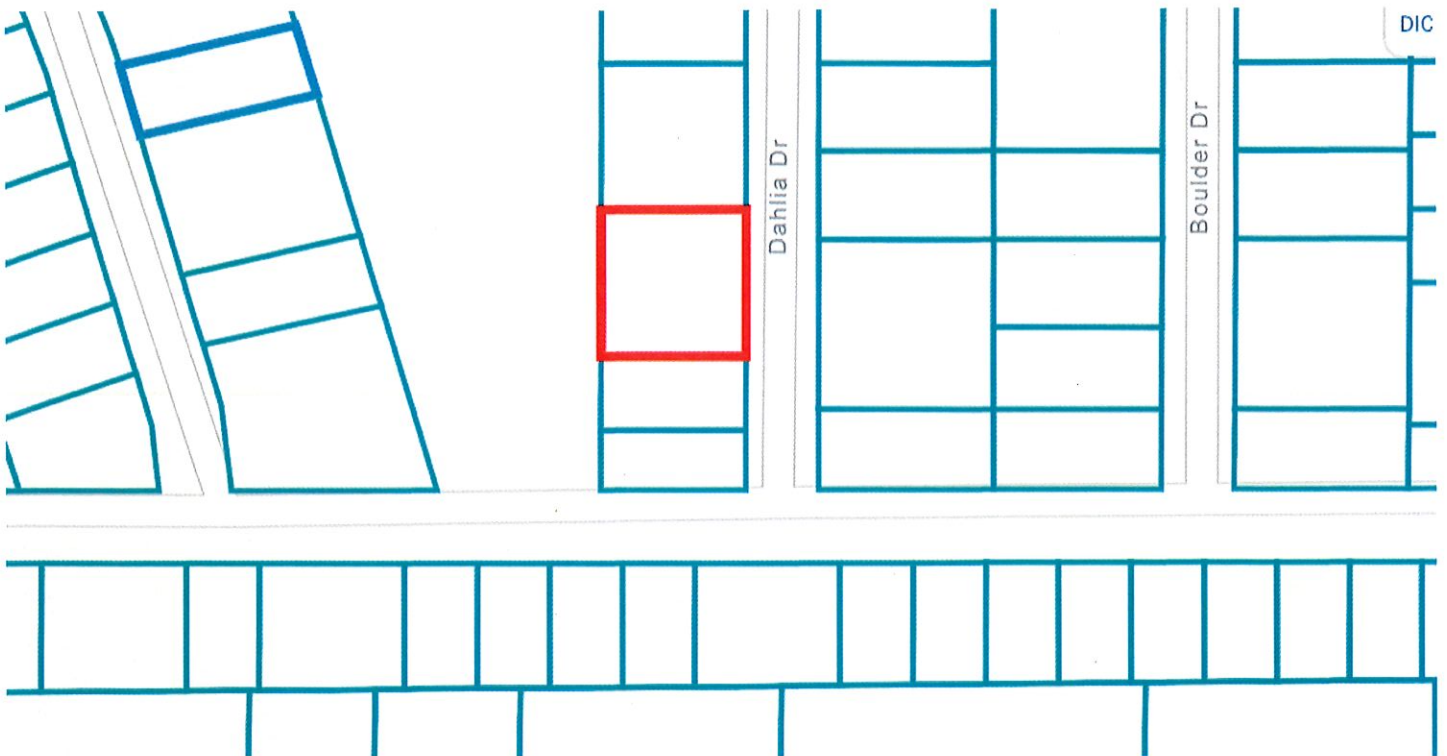
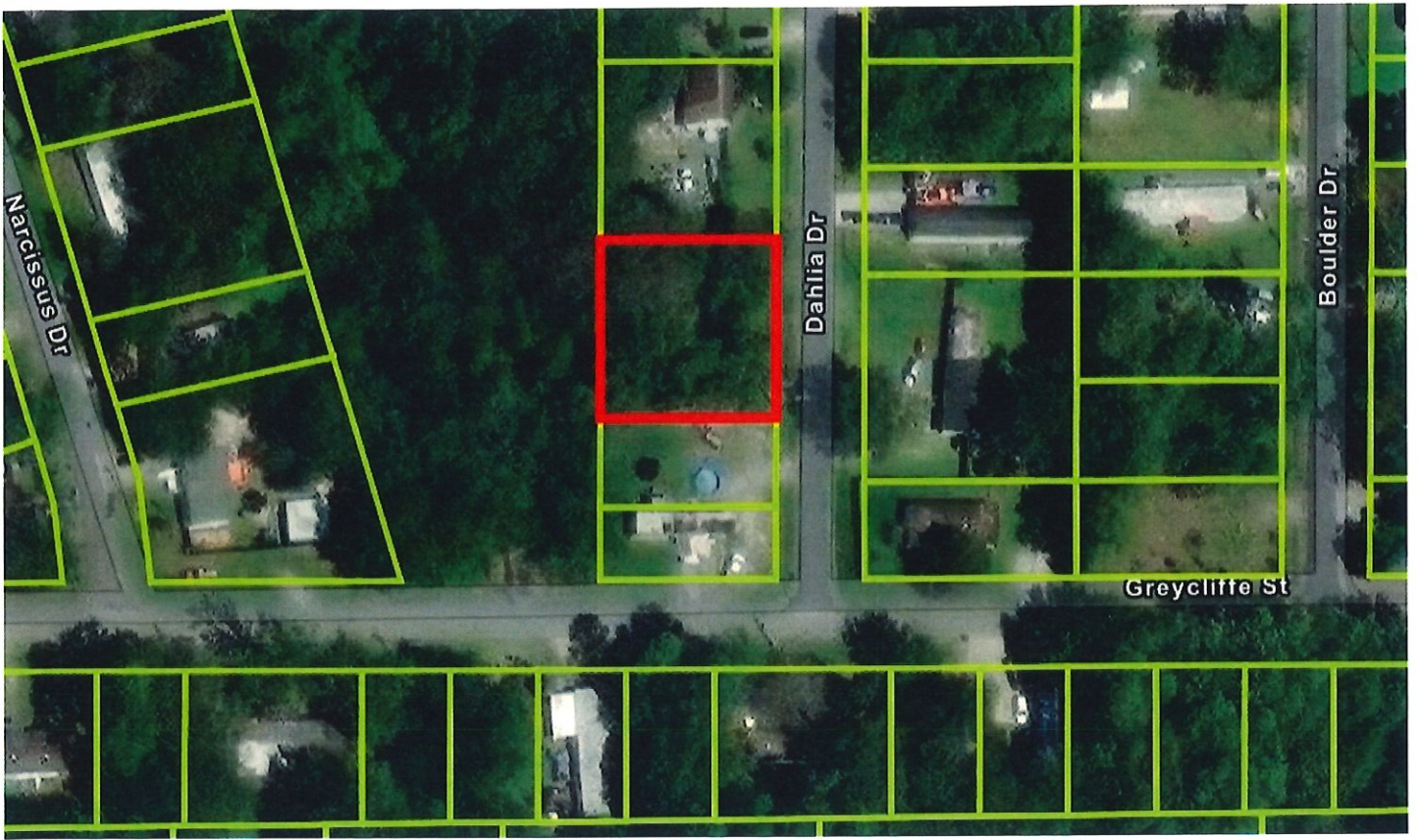
MAIN FLR. 979 SQ. FT.

GARAGE 215 SQ. FT.



© www.houseplans.pro





85441243.000 MENDOZA LUIS

PIDN: 85441243.000

GISP: 771.12-02-0271.00

Owner Information

Percent of Ownership: 100

Name: MENDOZA LUIS

Name 2:

Mailing Address: 2512 EL VIERNES ST

GAUTIER MS

39553

Site Address: 7717 DAHLIA DR GAUTIER

Land Information

Section: 12

Acreage: 0

Township: 7

Range: 7

Street Name DAHLIA
DR

Value and Tax Information

Total Assessed Value: 992

Total Appraised Value: 6610

Improvement Value: 0

Land Value: 6610

Tax Amount: 139

SQ FT: 0

Year Built: 0

Legal Description

Description: LOTS 165 & 166 HICKORY HILLS EST

S/D UNIT #10 DB 2132-625 (271 M

ap771.12-02)

Deed Book / Page: 2132 / 625

85441243.000 MENDOZA LUIS



GRAYCLIFFE DR

DAHLIA DR

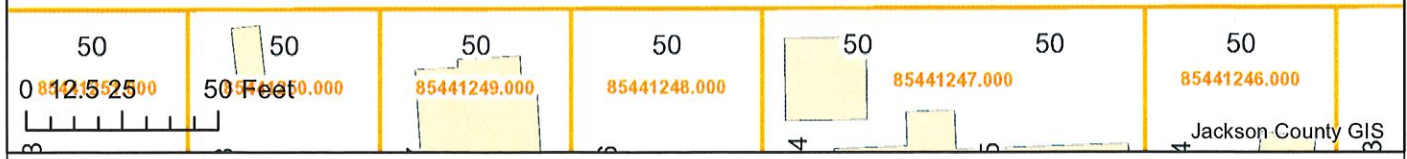


Exhibit A Location Map



Prepared by:
City of Gautier
Planning Department



Exhibit B

Existing Zoning



Prepared by:

City of Gautier
Planning Department

Legend

Zoning

ZONECODE

	AG
	C-1
	C-2
	C-3
	I-2
	MURC-1
	MURC-2
	MURC-MW
	PL
	PUD
	R-1
	R-2
	R-3
	RE
	TC

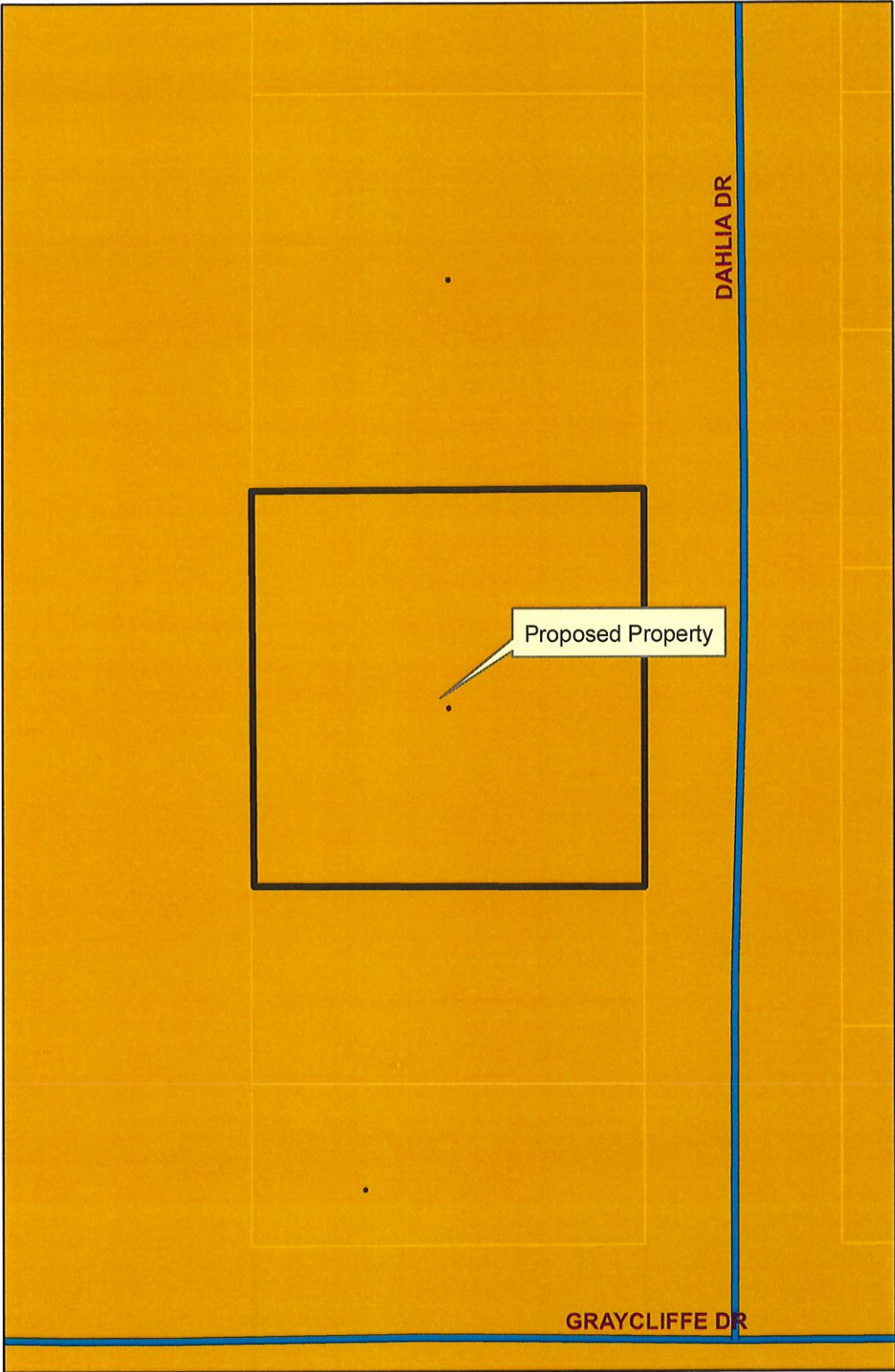


Exhibit C

Existing Land-Use



Prepared by:
City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

-  commercial-retail
-  conservation
-  civic
-  industrial
-  marina/fish camps
-  high density residential
-  mobile home
-  mobile home park
-  medium density residential
-  office
-  recreation
-  very low to low density residential
-  utility
-  vacant

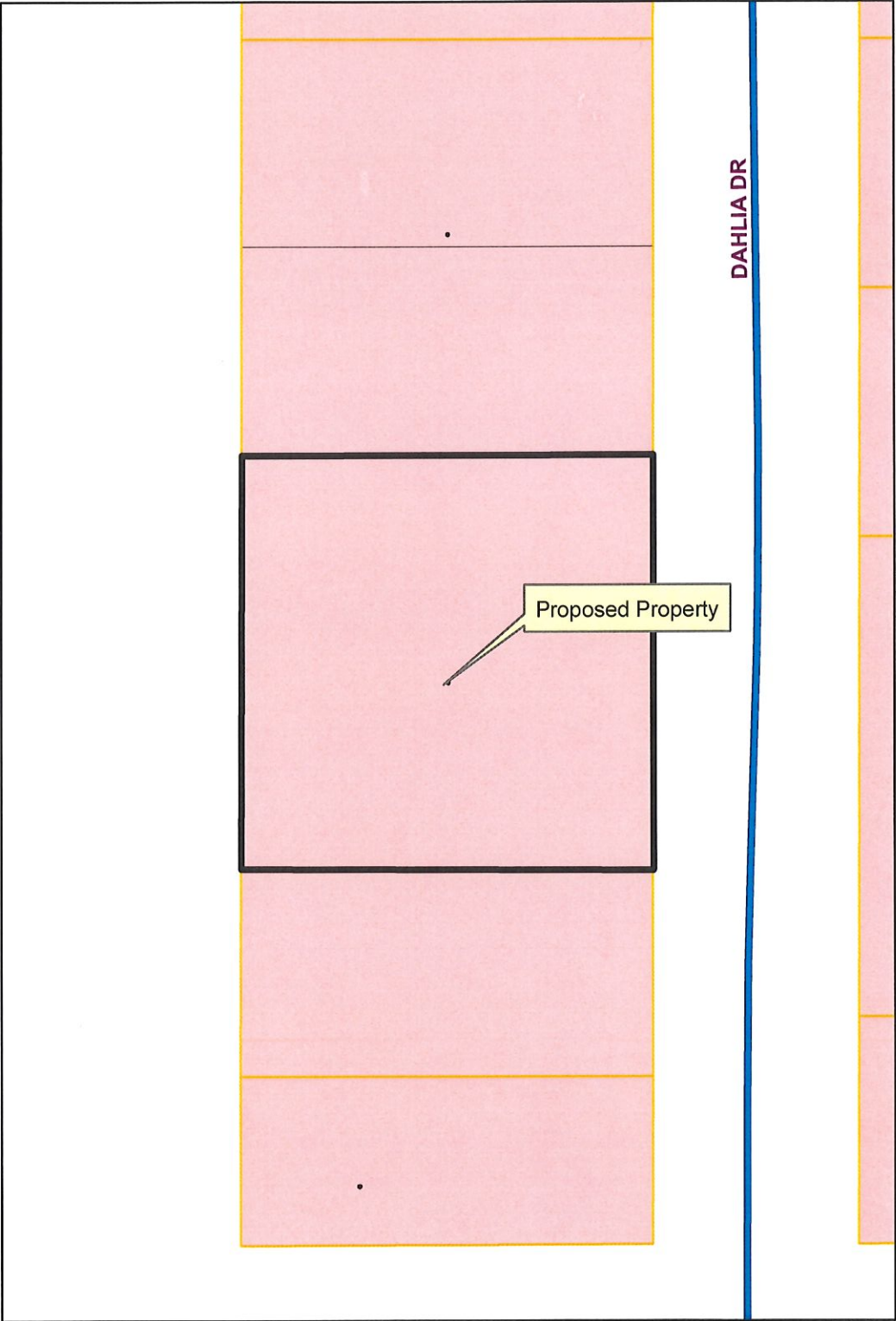


Exhibit D

Future Land-Use

Prepared By:

City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class



Civic



high impact commercial



Conservation



High Density Residential



Industrial



Low Density Residential



Medium Density Residential



Mobile Home Residential



low impact Commercial



Recreational



recreational commercial



Regional Scale Commercial



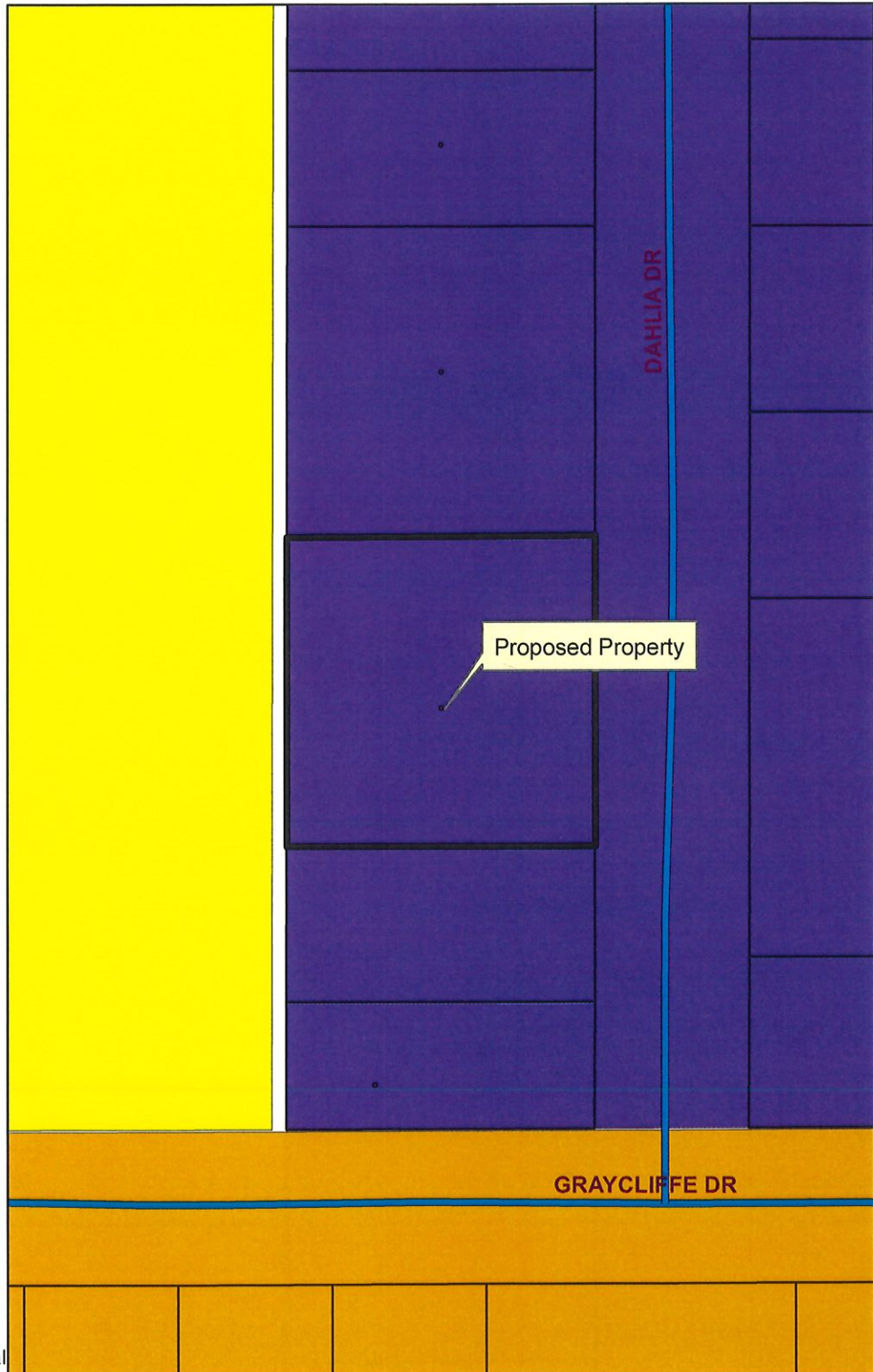
mixed use residential



Town Center



Very Low Density Residential



Gautier Planning Commission

Regular Meeting Agenda

September 5, 2024

GPC #24-35-VAR

1715 Piney Lane

VII. NEW BUSINESS

4. Consider a request for a six-foot (6') variance to side yard setback requirements for an accessory building and a one-foot (1') variance to fence height in a front yard in a R-1 Low Density Single-Family Residential Zoning District. 1715 Piney Lane, (GPC #24-35-VAR)

GAUTIER PUBLIC HEARING PROCESS (PLANNING COMMISSION)

Planning Commission Chairman to follow procedure below. All questions/comments to be directed to the Council and not to applicant, staff, or other attendees of the meeting.

1. Chairman announces the case.
2. Chairman makes statement, "This is a Public Hearing and all statements to be made need to be true and accurate for the record."
3. Staff gives brief overview of case.
4. Applicant presents their case.
5. Anyone to speak in support of the Request? Please state your name and address for the record.
6. Anyone to speak in opposition of the Request? Please state your name and address for the record.
7. Any final comments from the applicant?
8. Questions from Commission?
9. Chairman closes public hearing – "This closes the Public Hearing portion of this case" bang of gavel
10. Motion/Deliberation/Vote

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Scott Ankerson, Planning Director

Date: August 28, 2024

Subject: Consider a request for a six-foot (6') variance to side yard setback requirements for an accessory building and a one-foot (1') variance to fence height in a front yard in a R-1 Low Density Single-Family Residential Zoning District at 1715 Piney Lane, (GPC #24-35-VAR)

REQUEST:

The Planning Department has received a request from Roger Dulcich for a six-foot (6') variance to side yard setback requirements for an accessory building and a one-foot (1') variance to fence height in a front yard in a R-1 Low Density Single-Family Residential Zoning District at 1715 Piney Lane, PID #85440148.000 (GPC #24-35-VAR). The application fee of \$175 was paid on July 23, 2024. All public notice requirements have been met.

BACKGROUND:

The applicant would like to put a carport on the side of his house that would be 4' from the property line. The side setback requirement for an accessory building is 10' from the property line. The applicant will need a 6' variance to side yard setback requirements for an accessory building.

The applicant would also like to put a 5' fence around his yard. Part of the fence would be in front of the house. Per the Unified Development Ordinance (UDO), fences shall not exceed four feet in height within a designated front yard. The applicant will need a 1' variance to fence height in a front yard.

DISCUSSION:

The applicant is asking for a 6' variance to side yard setback requirements for an accessory building, and a 1' variance to fence height in a front yard.

DETERMINATION OF APPLICABLE LAW:

The Unified Development Ordinance (UDO) defines **Variances** as:

A Variance is a relaxation of the terms of the Unified Development Ordinance

where such Variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, a literal enforcement of the Ordinance would result in an unnecessary or undue hardship. As used in this Ordinance, a Variance is authorized only for height, area and size of structure, or size of yards, separation of uses, open spaces, off-street parking spaces and some subdivision of property. The establishment or expansion of a use not permitted shall not be allowed by Variance.

The UDO defines **Hardship** as:

Hardship means the unnecessary hardship that would result from a failure to grant the requested variance or special exception. An unnecessary hardship exists if:

- (1) the land in question cannot yield a reasonable return if used only
 - (a) for a purpose allowed in that zone (applicable to special exceptions), or
 - (b) as permitted by the dimensional requirements of this ordinance (applicable to variances);
- (2) that the plight of the owner is due to unique circumstances of the land for which the variance or special exception is sought; and
- (3) that the use to be authorized by the variance will not alter the essential character of the locality.

UDO SECTION 4.18: Variance

In certain circumstances, a Variance from the dimensional requirements (i.e. height, setbacks, square footage) of this ordinance may be granted if the applicant can prove that because of physical constraints of the property involved, he is not able to build the same type of structure that other persons with the same zoning classification can build. Variances for uses permitted will not be considered in as much as "use Variances" are not legal in the State of Mississippi.

Most Variances must be granted by the City Council; however, certain minor Variances may be granted by the Economic Development Director in accordance with *Section 4.18.3* below.

4.18.1 Who May Initiate

A request for a Variance may be initiated by the property owner or agent of the owner provided that said property has not been denied a previous request for a Variance for the same property or portion of property within the past twelve (12) months.

4.18.2 Application for Variance

Applications for a Variance (from dimensional requirements) may be filed on the appropriate application available from the Economic Development/Planning Department and shall include all requested information, attachments and submittals:

4.18.3 Administrative Variances

The following dimensional variances may be granted by the Economic Development Director at his/her discretion (Note: Within the COR, Corridor Overlay District, applicants shall be required to mitigate a requested dimensional variance in accordance with the Tier Land Use Provisions in Section 5.11):

- A. 30% of required off-street parking spaces and/or
- B. 30% of required setbacks from property lines

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

- A. That special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels) or structures or buildings in the same district;
- B. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance;
- C. That the special conditions and circumstances do not result from actions of the applicant; and
- D. That granting the Variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other similar sites (lots or parcels) structures or buildings in the same district.

RECOMMENDATION & CONCLUSION:

If recommending approval, Planning Commission shall record that the evidence presented meets all "Criteria for Approval" from the UDO as listed above.

The Planning Commission may:

- 1. Recommend that City Council approve the variance request as presented;
- 2. Recommend that City Council approve the variance request with changes; or
- 3. Recommend that City Council deny variance request.

ATTACHMENTS:

- 1. Applicant's Exhibit 1 – Application
- 2. City's Exhibit A – Location Map
- 3. City's Exhibit B – Existing Zoning Map
- 4. City's Exhibit C – Existing Land Use Map
- 5. City's Exhibit D – Future Land Use Map

PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number

24-35-VAR

TO BE HEARD BY GAUTIER PLANNING COMMISSION:

FEE:

Variance _____

\$176.00

*Includes \$1.00 filing fee per MS Code §25-60-5

Name of Applicant: Roger DulcichName of Business: _____ Phone: 541-441-4460Property Address: 1715 Piney Ln Mailing Address (if Different): _____E-Mail Address: rdul007@yahoo.comReason for request, location and intended use of Property: 6' sideyard variance for
1" variance to height frontyard
post a rail fence on Diagram (see pics)

ATTACHMENTS REQUIRED AS APPLICABLE:

- 1 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- 2 2. A detailed project narrative.
- 3 3. Copy of protective covenants or deed restrictions, if any.
- 4 4. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- 5 5. Any other information requested by the Planning Director.

Signature of Applicant: Roger Dulcich Date of Application: 7/23/24

FOR OFFICE USE ONLY

Date Received 7/23/24 Verify as Complete BalsFee Amount Received 176.00 Initials of Employee Receiving Application Bals

VARIANCE

Criteria for Approval

1. What special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels), or structures or buildings in the same district? corner lot ✓
2. Are these special conditions and circumstances a result of your actions? Explain.
Keep dogs and people out of the yard. Dogs in the neighborhood especially.
3. How will the literal interpretation of the provisions of this Ordinance deprive you of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance? Explain. ? corner lot
4. Will the granting of the Variance requested confer upon you any special privilege that is denied by this Ordinance to other similar sites (lots or parcels), structures or buildings in the same district? Explain. ✓ NO

NARRATIVE

7/23/2024

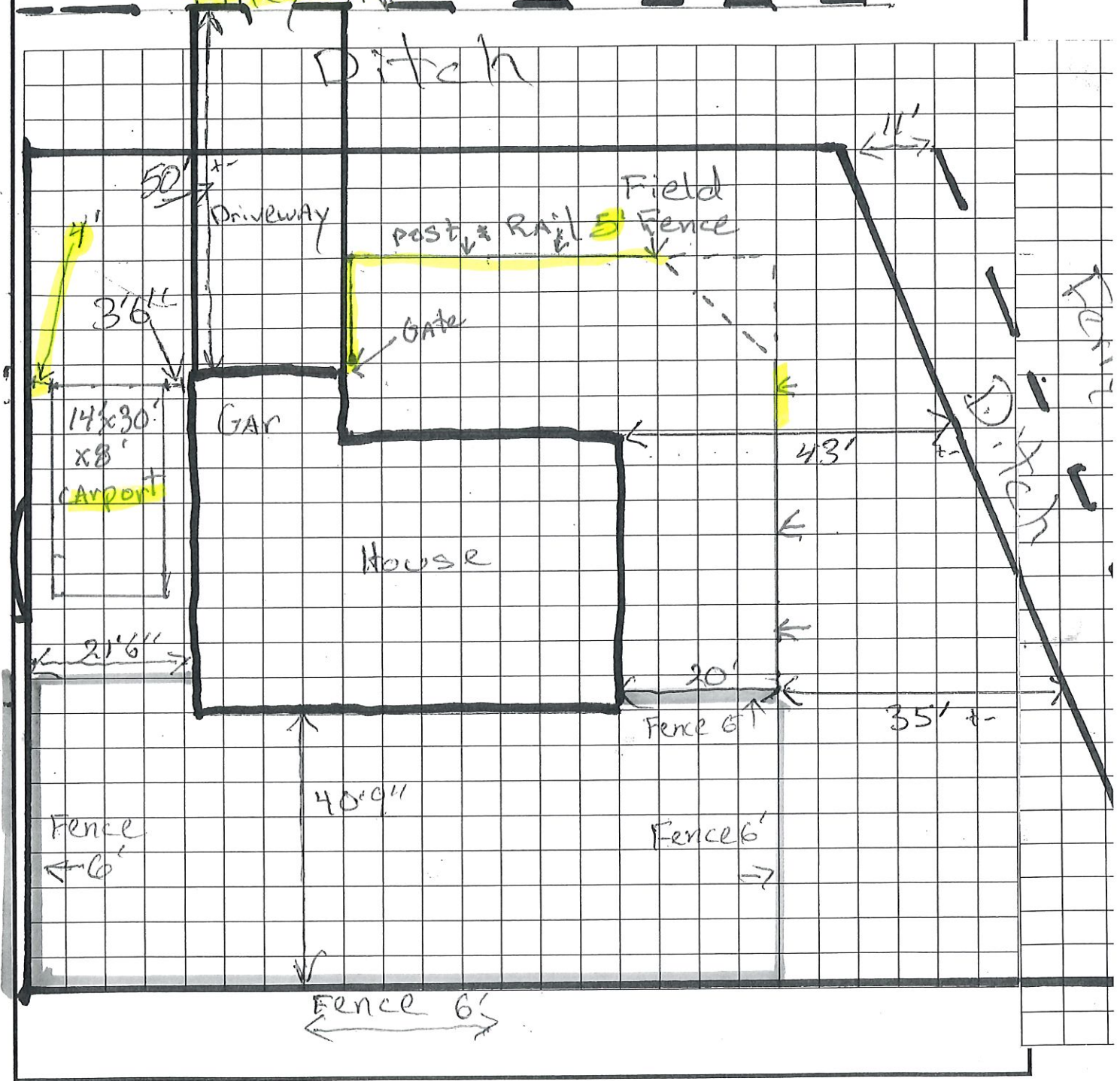
Need to make our property safe due to foot traffic and stray dogs, from injury on our property to not be liable for such. Corner lots have more traffic accidents than homes on the actual street. The fence itself will be in good taste and not an eye sore.

The carport is for our boat to protect from the elements Mississippi brings.

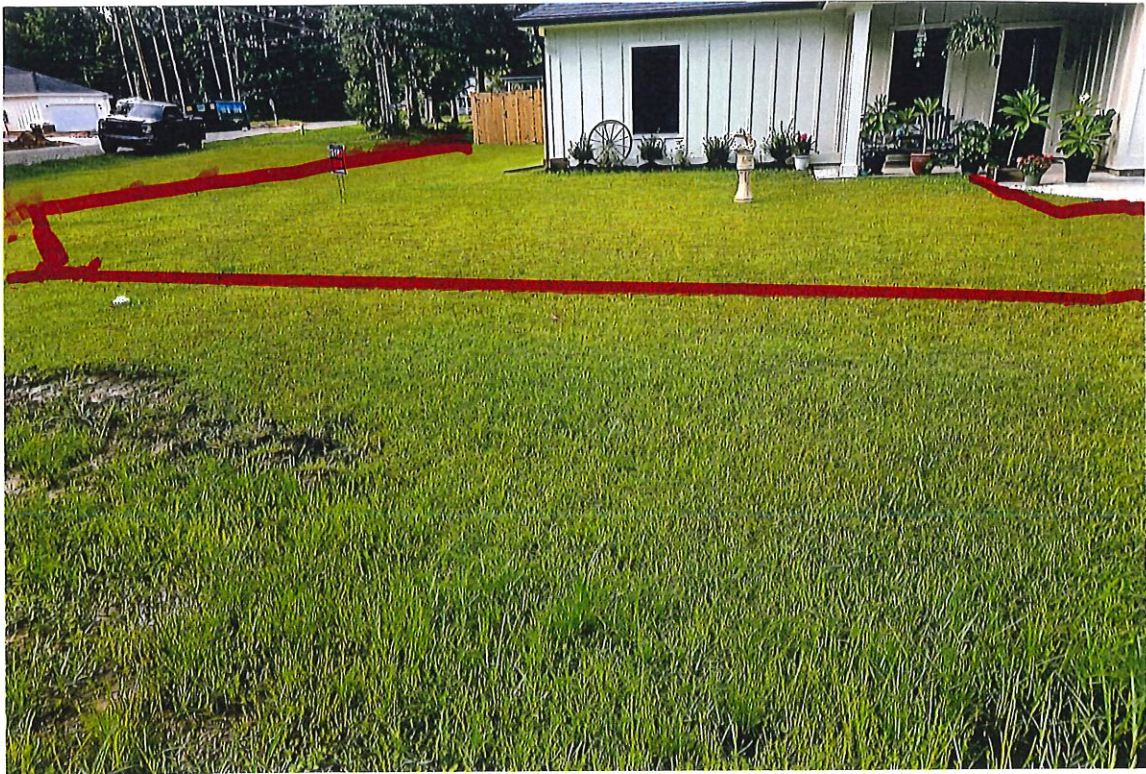
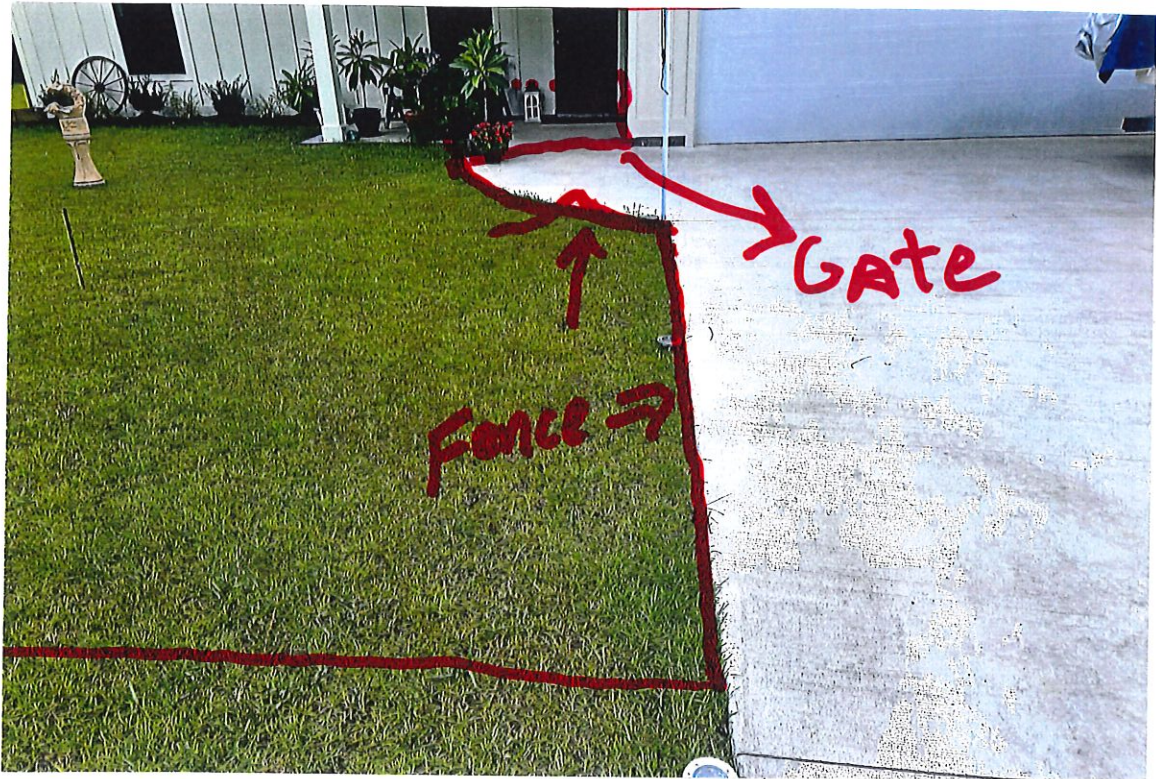
⊗ The posts will be 5' tall the top rail will be 4'4" or 4'6" the rails & posts are 3 3/4" round. The for looking.

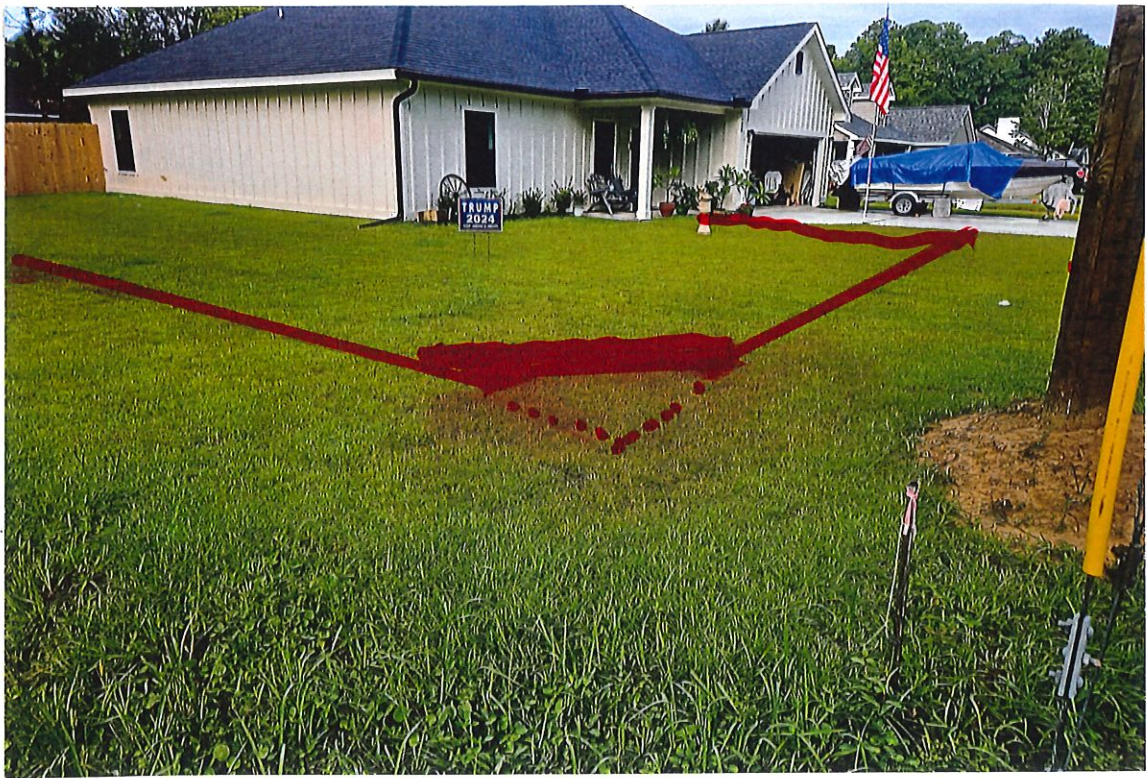
Piney Ln

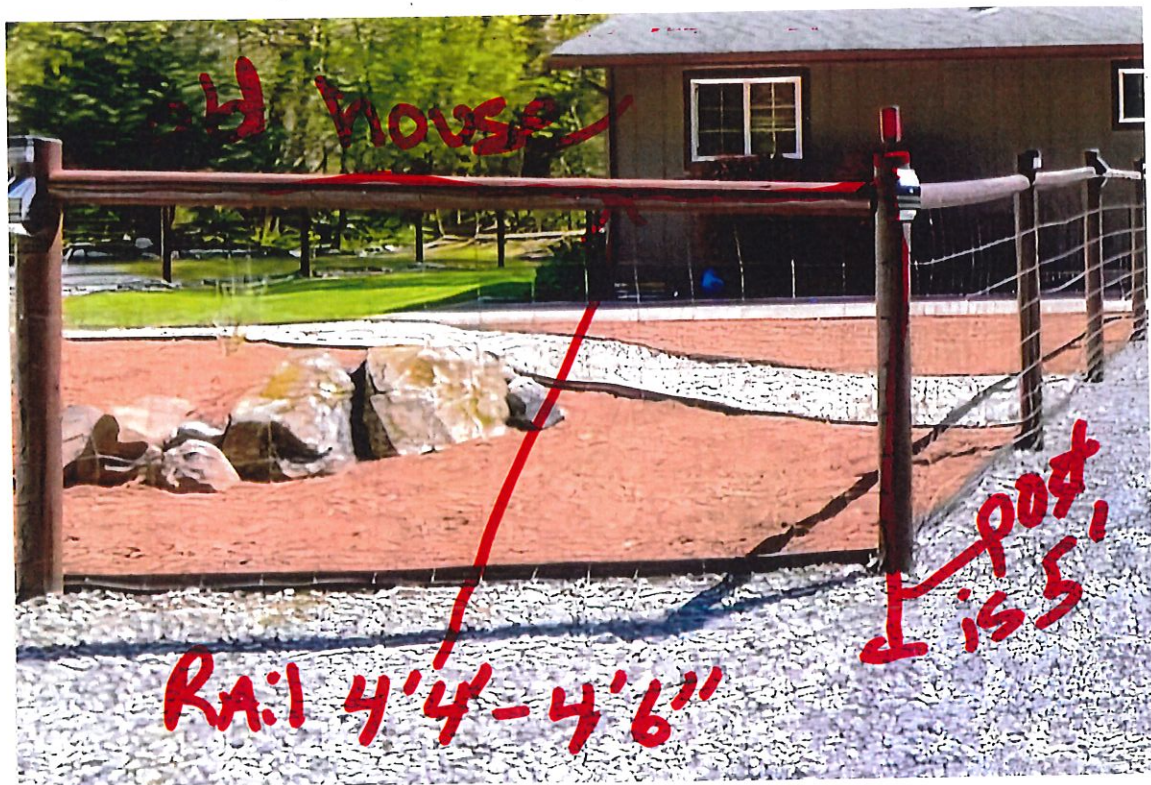
DIAGRAM



Legend - each square represents 5'







★★★★★ (+78K)

Search



Waveland Lowe's
Open until 9 PM

Delivery to
39553

Building Supplies / Fencing & Gates / Wood Fencing / Wood

Trending Now



Severe Weather 3-3/4-in x 6-1/2-ft
Pressure Treated Pine Flat-top...
Item #202773 | Model #RP378T40N

Top Severe Weather

★★★★★

344

Brand: Tenax

4.4 ★★★★★ 888

Tenax 2A140075 Pet Fence Select Pet
Fence, Black, 4' x 330'



50+ bought in past month





85440148.000 DULCICH DEBRA

PIDN: 85440148.000

GISP: 771.01-01-0172.00

Owner Information

Percent of Ownership: 100

Name: DULCICH DEBRA

Name 2: DULCICH ROGER

Mailing Address: 1715 PINEY LN

GAUTIER MS

39553

Site Address: 1715 PINEY LN GAUTIER

Land Information

Section: 01

Acreage: 0

Township: 7

Range: 7

Street Name PINEY
LN

Value and Tax Information

Total Assessed Value: 1611

Total Appraised Value: 10740

Improvement Value: 0

Land Value: 10740

Tax Amount: 227

SQ FT: 0

Year Built: 0

Legal Description

Description: LOT 55 HICKORY HILL EST S/D UNIT

#4 DB 2123-361 (172 Map771. 01-

01)

Deed Book / Page: 2169 / 559

[illegible]

<https://webmap.co.jackson.ms.us/>

8/19/2024

Exhibit A Location Map

Prepared by:
City of Gautier
Planning Department



Exhibit B

Existing Zoning

Prepared by:
City of Gautier
Planning Department

Legend

Zoning

ZONECODE

	AG
	C-1
	C-2
	C-3
	I-2
	MURC-1
	MURC-2
	MURC-MW
	PL
	PUD
	R-1
	R-2
	R-3
	RE
	TC

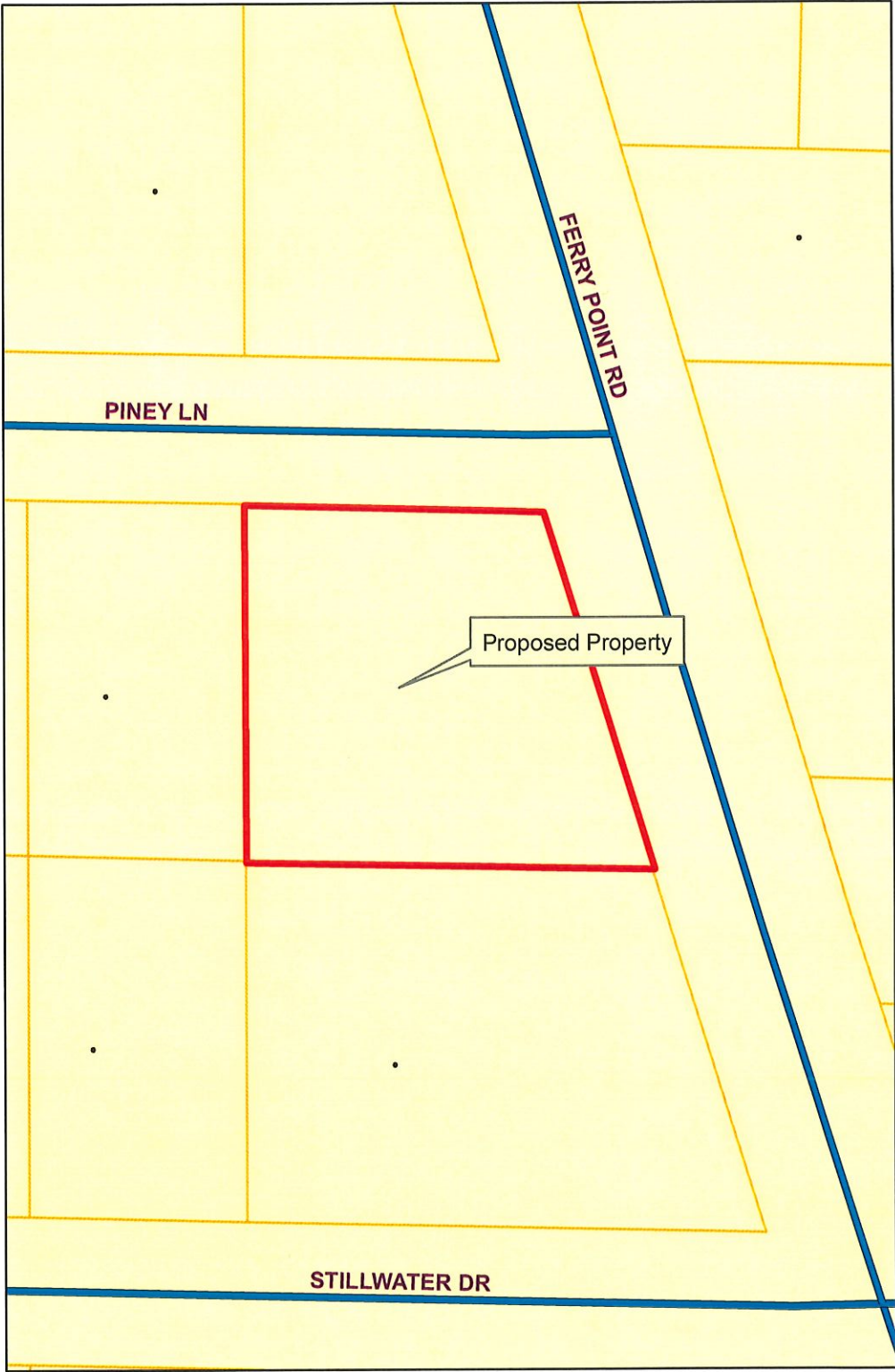


Exhibit C

Existing Land-Use

Prepared by:

City of Gautier
Planning Department

Legend

EXISTING LAND USE

ELU_08

- commercial-retail
- conservation
- civic
- industrial
- marina/fish camps
- high density residential
- mobile home
- mobile home park
- medium density residential
- office
- recreation
- very low to low density residential
- utility
- vacant

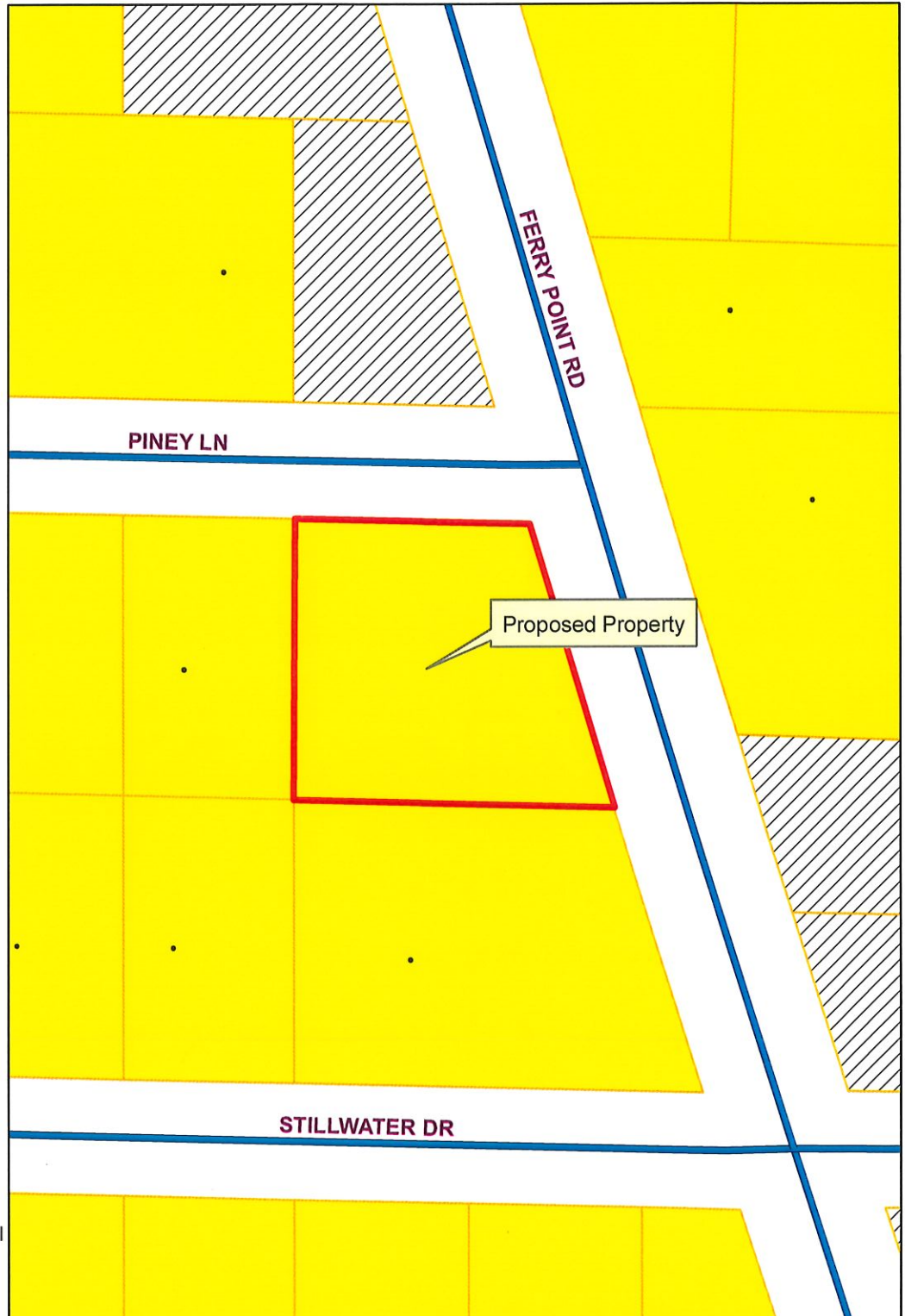


Exhibit D

Future Land-Use

Prepared By:
City of Gautier
Planning Department

Legend

FUTURE LAND USE

FLU_Class

- Civic
- high impact commercial
- Conservation
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Mobile Home Residential
- low impact Commercial
- Recreational
- recreational commercial
- Regional Scale Commercial
- mixed use residential
- Town Center
- Very Low Density Residential

